JOURNAL

OF

COMPARATIVE LEGISLATION

AND

INTERNATIONAL LAW

EDITED FOR

THE SOCIETY OF COMPARATIVE LEGISLATION

BY

F. P. WALTON, Esq., K.C. (Quebec), LL.D.

Let observation, with extensive view,
Survey mankind from China to Peru.
Samuel Johnson.

Third Series. Vol. X. Part III.

LONDON:
SOCIETY OF COMPARATIVE LEGISLATION,
1 ELM COURT, TEMPLE, E.C.4.
1928.

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All communications to be addressed to the Hon. Editor,
1 Elm Court, Temple, E.C.4.
The annual subscription to the Society is one guinea.

Printed in Great Britain by Hazell, Watson & Viney, Ld.,
London and Aylesbury.

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ERRATA.

In Vol. X, Pt. II, p. v, line 27, for the words "the late" should be read "Sir."

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Grants to the work of the Society are given by the Honourable Societies of Gray's Inn (£21), Inner Temple (£21), Lincoln's Inn (£21), the Middle Temple (£21), the Law Society (£21) and the Royal Colonial Institute (£5 5*s*.).

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ANNUAL REPORT.

THE accounts for the year 1927 still show a progressive tendency in the work of the Society. During the year under review there was a decrease of eight subscriptions from Overseas Governments, but this was more than counterbalanced by the increase in individual subscriptions. The Far East, eight India and Burma and four China, was well represented among the new members, and the total subscription list shows an increase over the previous year of £23 15*s.* 11*d.*

The Honourable Societies of Lincoln's Inn, Middle Temple, Inner Temple and Gray's Inn, the Law Society, the Royal Colonial Institute and the Government of Fiji continued their grants, and the Committee gratefully acknowledge and deeply appreciate the material benefit which is derived from their assistance. The figure of £61 5*s.* 6*d.*, representing sales of the *Journal*, falls short of the amount realized on that item in the previous year by approximately £30. This is always a fluctuating item, and the decrease was due to the fact that fewer new members required back numbers of the *Journal*. At the same time, there is a greater demand for *Journals* than the Society can meet owing to the fact that some of the earlier numbers are out of print. Members, who would be willing to place their back numbers at the disposal of the Society, are invited to communicate with the Hon. Secretary.

With the interest on the War Bonds purchased in 1926, and greater amounts realized on advertisements, subscriptions both in arrears and in advance, the income of the Society showed an increase of £42 7*s.* 8*d.* on the previous year. On the other hand, there was a decrease of £59 4*s.* in expenditure, due to the lesser cost of the publication of the *Journal*.

The Committee record with regret the loss by death from the Council and Committee during the year under report of Sir Mackenzie Chalmers, K.C.B. As one of the Founders of the Society, his interest in its work never flagged, and the loss of his valuable assistance, which was always at its disposal up to the end, is greatly deplored.

ATKIN, *Chairman.*

SOCIETY OF COMPARATIVE LEGISLATION.

Dr. RECEIPTS AND PAYMENTS ACCOUNT FOR THE YEAR ENDED DECEMBER 31, 1927. *Cr.*

	£	s.	d.	£	s.	d.
To Subscriptions:						
Government	211	1	0			
Non-Government	476	19	5	688	0	5
„ Grants:						
Law Society	21	0	0			
Lincoln's Inn	21	0	0			
Middle Temple	21	0	0			
Inner Temple	21	0	0			
Gray's Inn	21	0	0			
Government of Fiji	10	0	0			
Royal Colonial Institute	5	5	0	120	5	0
„ Sales of *Journals*, including Back Numbers and Reprints	82	19	6			
Less Cost of Reprints	21	14	0	61	5	6
„ Sale of *Great Jurists of the World*				4	8	5
„ Interest on War Loan				16	0	0
				889	19	4
„ Cash at January 1, 1927:						
In hand	4	12	5			
At Bank	239	13	3	244	5	8
„ Subscriptions in arrear received during 1927				27	14	2
„ Subscriptions paid in advance				50	9	0
„ Proceeds of Advertisements				30	18	6
				£1,243	6	8

	£	s.	d.	£	s.	d.
By Publication of *Journal*:						
Printing vol. viii, pt. 4	164	17	0			
Printing vol. ix, pt. 1	148	14	0			
Printing vol. ix, pt. 2	147	13	6			
Printing vol. ix, pt. 3	127	17	9			
	589	2	3			
Add Paper for *Journal*	38	10	9	627	13	0
„ Salary of Secretary				250	0	0
„ Rent of Chambers	100	0	0			
Less Rent received	40	0	0	60	0	0
„ Lighting, Heating and Cleaning of Chambers				17	2	0
„ General Expenses, including Postage and Insurance				26	3	4
„ Telephone				9	7	11
„ Stationery				2	7	9
„ Audit of Accounts for the year 1926				3	3	0
				995	17	0
„ Cash at December 31, 1927:						
In hand	4	2	3			
At bank	243	7	5	247	9	8
				£1,243	6	8

We have examined the above Receipts and Payments Account with the Books and Vouchers, and certify that it agrees therewith. We have verified the Bank Balance and also the investment of £400 5% War Loan 1929/47 Bearer Bonds.

LONDON: 48, Copthall Avenue, E.C.2.
March 8th, 1928.

CASH, STONE & CO.
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INTRODUCTION.

[*Contributed by* F. P. Walton, Esq., LL.D.]

The thanks of the Society are presented to the learned contributors throughout the world who have favoured us with these reviews. The preparation of such summaries is no easy matter, and the Society has every reason to congratulate itself on the generous help which it receives.

Upon the whole the legislation of 1926 is not of a very striking character. There are no measures on the grand scale to be noted, such as the English New Property Laws of 1925. The legislative mills have been busy enough, but the alterations in the law are for the most part amendments of detail. So far as general tendencies are discernible it is safe to say that legislation concerns itself with the regulation of business more than was formerly the case. In this regard attention is drawn especially to the legislation of the Commonwealth of Australia (p. 77). There is a steady movement towards the complete equality of the sexes before the law and towards the greater protection of children, illegitimate as well as legitimate. In England the Legitimacy Act and the Adoption of Children Act deserve special attention (p. 10).[1]

Uniformity of Legislation.—As is commonly the case British legislation has been taken as a model in various parts of the Empire and introduced with greater or less modification. As illustrations we may refer to the defensive measures against the general strike in Northern Ireland (p. 25), and in the Irish Free State (p. 33). In Northern Ireland also the series of statutes for the protection of animals are borrowed from England and the Mines (Working Rights) Act is based on British legislation (p. 30).

Alberta (p. 45) and Ontario (p. 62) have followed the new rule in England (p. 2) that a member of the Legislative Assembly who is made a Minister does not need to submit himself for re-election. Victoria (p. 89) follows the Imperial Act 9 & 10 Geo. V, c. 71, in removing the disqualifications of women for public offices and professions, but without requiring them to serve as jurors. Western Australia adopts the provisions of the English Statute as to the Guardianship of Infants (p. 94). New Zealand adapts the Oil in Navigable Waters Act (p. 105). The Union of South Africa follows in the main British legislation upon nationality and naturalization, as does also the Indian Legislature (p. 142). The Union of South Africa has a consolidated Companies Act on British lines (p. 122). In Palestine, which continues to be an interesting legal workshop, there is a crop of laws on the British model (p. 174). At the time when the law in England as to Crown Proceedings is on its defence it is perhaps rather surprising to find it copied in Palestine. The coroner's inquest has been introduced into Palestine, and there is an Arbitration Ordinance closely following the English Act of 1889.

[1] See *Journal of Comparative Legislation*, Third Series, vol. ix, pt. iv, p. 261.

Constitutional and Administrative Law.—There is less than usual under this head. In England the Roman Catholic Relief Act (p. 1) removes from the Statute Book a number of enactments which had long ceased to be in conformity with the spirit of the age. If in principle "age cannot wither an Act of Parliament," to borrow a phrase of Mr. C. K. Allen,[1] it can at any rate make an Act appear ridiculous. Most of these laws were as dead as mutton, but their presence on the Statute Book was an offence to Roman Catholics. The Re-election of Ministers Act has been referred to in the previous paragraph. In Tasmania the law as to Money Bills has been made clear (p. 86). In Zanzibar a Constitution has been set up (p. 160). The Senate Act of the Union of South Africa (p. 119) should be noted. Legislators in many countries show a disposition to increase their remuneration.[2] In Canada, as was mentioned in the Introduction to last year's review, much difficulty was caused by the decision of the Judicial Committee that the Dominion Industrial Disputes Act of 1907 was *ultra vires*.[3]

The difficulty is being got over as far as may be by the Provinces separately passing laws. Saskatchewan did so last year and this year Alberta (p. 44), Manitoba (p. 56) and Nova Scotia (p. 61) have followed suit.

The Land Act No. 11 of the Irish Free State (p. 39) closes, it may be hoped, a controversy which might have become acute as to the jurisdiction of the Judicial Committee.

Administration of Justice.—Of special interest is the Judicial Proceedings (Regulation of Reports) Act (p. 9) as to the policy of which there is much difference of opinion.

The Indian and Colonial Divorce Jurisdiction Act (p. 10) is an ingenious attempt to grapple with a serious difficulty. Strong objection was taken to the Act in Scotland, and, as Professor Berriedale Keith says, "it is clearly illogical to deny to persons domiciled in Scotland the right to obtain divorces for desertion as permitted by Scottish law."[4]

In the State of Washington (p. 187) we notice a novel and hopeful experiment. A new Council is established representing the legislature, the bench and the bar which is to have the duty of watching the operation of the laws and suggesting reforms.

Criminal Law and Criminal Procedure.—There is a drastic enactment in Australia against unlawful associations which aim at the overthrow of the constitution of the Commonwealth or of a State (p. 80). In India the power of confiscation is extended to publications which "tend to spread feelings of hatred or enmity between different classes of His Majesty's subjects" (p. 141). In Scotland a Court of Criminal Appeal has been created (p. 9). Southern Rhodesia has a Consolidation Statute on Criminal Procedure and Evidence (p. 136). It contains provisions for the declaration of offenders as "habitual criminals." Further, an accused person if convicted of an offence causing damage or loss to another may be ordered to pay compensation. There is a mass of legislation in the United States[5] which aims at making the way of transgressors harder but the statistics of crime and the small proportion of convictions

[1] *Law in the Making*, p. 270, where a number of these laws are described.
[2] See Index, *s.v.* Constitution.
[3] *Journal of Comparative Legislation*, Third Series, vol. ix, pt. iii, p. xxx.
[4] Dicey, *Conflict of Laws*, 4th ed., p. 899.
[5] Index, *s.v.* Criminal Procedure.

to arrests are indications of the difficulty of coping with criminals in that country. The law of New York greatly increasing the penalty for committing a felony when armed with a pistol or certain other weapons is significant (p. 199), and so is Massachusetts 261, which prohibits the sale or use of silencers for firearms (p. 199).

Trade and Commerce.—Under this head among the most noteworthy Acts are the British Statutes—the Electricity Supply Act (p. 12) and the Merchandise Marks Act (p. 15), and the group of Australian laws (p. 77) which display the activity of the Government in stimulating the economic development of the country.

Labour.—In the United States a new Federal Act, the Railway Labour Act, returns to the principle of the settlement of railway labour disputes by voluntary agreements with the assistance if necessary of a governmental agency (p. 183).

The practice of issuing injunctions in labour disputes is highly controversial.[1] It will be interesting to observe the operation of N.J. 207, which forbids injunctions in labour disputes to restrain persons from quitting work singly or in groups or peacefully persuading others to do so, but enacts that the persons persuading others to quit work must remain separated one from the other at intervals of ten paces or more (p. 205).

The Act of the Commonwealth (p. 81) attempting to grapple with a " serious industrial disturbance " should be noted.

The Indian Trade Unions Act is on English lines (p. 144). As to Workmen's Compensation the new Quebec Act (p. 68) has interesting features, particularly the provision that only one expert witness may be produced on each side.

A law of Louisiana gives a definition of " independent contractor " (p. 205).

Agriculture.—The urgency and expediency of coming to the aid of farmers by enabling them to obtain loans at low interest is illustrated by laws in Germany (p. 180), New Zealand (p. 110), Manitoba (p. 53) and the Union of S. Africa (p. 117). In several countries there are new laws to facilitate co-operation among farmers.[2]

Air Navigation.—The American Air Commerce Code is to be noted (p. 183). There are also interesting State laws, particularly one of Louisiana, enacting that the owner of an aeroplane must take out an indemnity bond to secure payment on any damage which may be caused by it (p. 202).

Marriage, Divorce and Legitimacy.—Virginia has a law allowing a decree of divorce from bed and board to become, under certain conditions, a decree *a vinculo* after five years (p. 206), and New York prohibits the marriage of a boy under 16 or a girl under 14 (p. 207). Rhode Island introduces legitimation *per subsequens matrimonium* (p. 206). The Act declares also that the issue of a marriage which had been annulled shall nevertheless be legitimate.

Tasmania (p. 87) validates marriage between a man and the niece of his deceased wife or between a woman and a nephew of her deceased husband. In British Guiana (p. 162) an Act nullifies the effect (so far as that Colony is concerned) of the decision of the House of Lords that a husband is still liable to be sued for his wife's tort unless it was directly

[1] See the articles by Prof. F. Frankfurter and Mr. Nathan Greene in *Law Quarterly Review*, xliv, 164 and 353.

[2] See Index, *s.v.* Co-operative Societies.

connected with a contract by her. It will be remembered that this decision was reached by a bare majority, Lords Cave and Birkenhead dissenting.[1]

Sex Equality.—Legislation tends to bring about more and more the equality before the law of the two sexes. This year there is a good deal of American legislation in this direction (p. 205). It may be doubted whether laws providing for the equal payment of men and women for the same class of work are in the long run in the interests of women, but New Jersey has a law that female warders in prisons shall be paid at the same rate as male warders. There is here no direct competition between the sexes (p. 198).

Motor Traffic.—There is a mass of legislation on this subject, notably in the United States.[2] Some of it is to meet the new practice of hiring "drive yourself" cars (p. 194).

Children.—Juvenile Courts are spreading and Borstal schools have been created in Madras and the Punjab.[3] Legislators incline more and more to protect the interests of illegitimate children and to facilitate the procedure for maintenance orders.

Western Australia gives power to Children's Courts to adjudge any person to be the father of an illegitimate child but not on the evidence of the mother only (p. 95). There does not, however, appear to be in Anglo-Saxon countries any tendency to give to illegitimate children a right of succession against the father, such as is given by some continental codes to natural children whose paternity has been legally established.[4]

The Family Allowances Act in New Zealand (p. 106) is interesting and significant. The new German law for the protection of youth from obscene literature deserves attention (p. 179).

The English Adoption of Children Act is analysed in the review for the United Kingdom (p. 10). Kentucky and Virginia reject the Child Labour Amendment to the Constitution of the United States on the plea that it is a violation of local self-government (p. 191).

Education.—The University Education Act and the School Attendance Act of the Irish Free State are noteworthy (p. 38). So, also, are the Indian Acts in the United Provinces and the Punjab providing for the extension of primary education (pp. 146, 147).

Mississippi follows Tennessee in making it unlawful for any teacher in an institution supported wholly or partly by public money to teach that mankind "ascended or descended from a lower order of animals" (p. 196).

Equally quaint, but more harmless, is the law of Kentucky which declares that John Fitch was the inventor of the first steamboat and that he resided, died and lies buried in Kentucky (p. 196).

Negligence.—Progress is made in Canada towards abolishing the principle of contributory negligence in favour of the rule that the damages should be reduced when there is common fault and that account should be taken of the degree of the fault of either party. This is the rule of the French law as to torts in general, which has always been applied in Quebec. It is assuredly more reasonable than the rule of the common law[5] (pp. 61, 62).

[1] *Edwards* v. *Porter* [1925], A.C. 1.
[2] See Index, *s.v.* Motor Vehicles.
[3] See pp. 49, 60, 64, 95, 145, 147, 187.
[4] French Code 756, Italian Code 815, Swiss Code 461.
[5] See Dalloz, *Code Civil Annoté*, art. 1382, nos. 664 *seq.* Mignault, *Droit Civil Canadien*, vol. v, p. 3783

BRITISH EMPIRE.

I. BRITISH ISLES.

1. UNITED KINGDOM.

[*Contributed by* Cecil T. Carr, Esq., LL.D., *Editor of Statutes Revised, Statutory Rules and Orders, etc.*]

The Parliament of the United Kingdom of Great Britain and Northern Ireland (as it is now to be described [1]) passed 63 public general Acts in 1926. The legislative output was not so vast as in 1925, but it was substantial in spite of parliamentary preoccupation with the general strike and the prolonged stoppage in the coal industry. The mining situation led to the passing of two statutes hereafter described; the threat to the community was met by regulations and orders issued under the Emergency Powers Act of 1920.[2]

Improvement of the Statute-Book.—No Act for the revision of the statute law was passed in 1926. The Fertilisers and Feeding Stuffs Act was the only statute which could be regarded as a consolidation of previous enactments, but, as will presently be seen, part of the Army Act was re-written in a clarified form.

Constitutional and Administrative.—Enactments ranging between the years 1549 and 1860 are repealed by the Roman Catholic Relief Act (c. 55). One of them forbade books of Roman Catholic ritual "ever to be used or kept in this Realm"; another characterized the religious orders as "superstitious"; others preserved restrictions on a Roman Catholic priest officiating in any place of worship with a bell or steeple or wearing the habits of his order in public outside the precincts of his usual place of worship. These enactments, obsolete as they appear, were not entirely inoperative. Roman Catholic religious bodies were technically illegal and gifts to them might be declared void, as being for a "superstitious use"; their charities could be denied the benefits given to all other charities by the Finance Act of 1921; their property could not be held on trust, and so had to be vested in persons whose decease could give rise to a claim for death duties. The Act of 1926 removes such disabilities by a clean repeal of a limited list of enactments which might have been much enlarged had it been desired to sweep away all obsolete laws rather than merely to remedy a few prominent grievances. There is a general saving for the Church of England, and the occasionally controversial aspect of religious meetings and processions in streets and public places is left to be dealt with by local authorities as a matter of police control. The Act does not apply to Northern Ireland, where the

[1] See 17 & 18 Geo. V, c. 4, s. 2.

[2] See the series printed in the volume of *S.R. & O.* for 1926 at p. 485.

principle of religious equality is established by subsection 5 (2) of the Government of Ireland Act of 1920.

The legislative competence of the Northern Ireland Parliament is slightly extended by the Supreme Court of Judicature of Northern Ireland Act (c. 44). The 1920 list of reserved matters (which includes the Supreme Court save in relation to the professional regulation of solicitors) was always likely to be revised as time brought reassurance. The new Act, after providing for the salaries and pensions of judges and for trials without juries, hands over to Belfast the power to make laws as to Supreme Court jurors and juries in respect of the preparation and revision of jury lists and the qualification, selection, summoning and attendance of jurors. Perhaps it should be noted here that, though the Fertilisers and Feeding Stuffs Act (already mentioned) dealt with a subject on which the Belfast Parliament is fully competent to legislate, the Government of Northern Ireland saved itself the labour by persuading the Westminster Parliament to let the Act extend to Northern Ireland.

From the Act of Union to the year 1746 (save for occasional brief intervals) the executive government of Scotland was conducted by a Secretary of State for Scotland. After a subsequent period of joint administration by the Home Office and the Lord Advocate, a separate Secretary for Scotland was created in 1885 who was neither a Secretary of State nor necessarily a member of the Cabinet. Two years later his office was given all the powers of a Secretary of State so far as Scotland was concerned. From 1892 onwards he was always a member of the Cabinet, and now in 1926 the Secretaries of State Act (c. 18) reconstitutes him a Secretary of State. His powers and duties are made those of a Principal Secretary of State and the office of Parliamentary Under-Secretary for Health for Scotland is abolished. This change increases the number of Secretaries of State from seven to eight ; the number of Secretaries and Under-Secretaries of State capable of sitting and voting in the House of Commons is increased to six.

Another constitutional change lessens the opportunities of testing the feeling of constituencies at by-elections. The Re-election of Ministers Act (1919) Amendment Act (c. 19) removes the necessity for the re-election of a member of the House of Commons on acceptance of office. The change is effected not by direct amendment of the Succession to the Crown Act of 1707, but by amending a 1919 Act which had amended the Act of 1707.

Land and Agriculture. — The Law of Property (Amendment) Act (c. 11) makes a number of small corrections in the great series of property statutes passed in 1925. One amendment enlarges the expression " trust corporation " which those statutes contain. Recent legislation in England has insisted upon the safeguard of having two trustees instead of one for many purposes, but makes an exception in favour of " trust corporations " which are allowed to act alone. The expression did not include the Treasury Solicitor or certain bodies such as local authorities and charitable corporations which possess trust property ; the 1926 Act makes good the omission. Other modifications effected by the Act are numerous and technical. There is a schedule of minor amendments of the 1925 statutes so copious that it provoked Lord Phillimore to ask if more care could not be taken in originating proposals of this kind. The alterations, he said, were as different from the original as they could possibly be ; it was as if the amendment said " Instead of ' caterpillar '

read ' falcon,' " or " Instead of ' ass ' read ' man.' " Lord Haldane, on the other hand, contemplated without apprehension the early advent of a group of ten or twenty more such amending Acts to complete the revolutionary changes involved in the adoption of a new system of law.

Several Acts are designed to encourage agriculture. The Small Holdings and Allotments Act (c. 52) imposes on county councils in England the duty of satisfying a local demand for small holdings even if the process involves them in a financial loss. The Exchequer is called upon to help make good such loss by contributing an amount not exceeding 75 per cent. of the estimated deficiency. An intending purchaser of a small holding from a county council need no longer pay the 20 per cent. deposit required by the 1908 Act ; instead the consideration for the sale is to be a terminable annuity equal to the " full fair rent " for a period of 60 years or, if the purchaser prefers, a terminable annuity for a less period of an equivalent capital value. The Act sets out the statutory conditions governing small holdings sold by county councils and provides for the recovery of possession and disposal if a condition is broken. County councils can make advances to would-be purchasers up to nine-tenths of the value of the holding ; advances may also be made for constructing, altering or adapting houses and farm buildings ; the advances are to be repayable by terminable annuities in sixty years. S. 12 makes special arrangements for providing cottage holdings, *i.e.* those with a dwelling-house and between 40 perches and 3 acres of agricultural land capable of cultivation by the occupier of the house and his family. Lest this facility should be used to provide country cottages for urban week-enders, county councils are not to sell cottage holdings to anyone but a *bona fide* agricultural labourer or a person employed in a rural industry " ancillary to the industry of agriculture or horticulture " within or adjacent to the county. Other provisions for rural housing will be found in another Act summarized presently. The Small Holdings and Allotments Act makes many minor alterations of the previous law ; in the definition of small holding (an area of from 1 to 50 acres or an area of which the annual value for income-tax purposes does not exceed £50) £100 is substituted for £50 ; the Small Holdings Commissioners are abolished. The Land Drainage Act (c. 24) transfers to county or county borough councils all powers of the Ministry of Agriculture under Part II of the Act of 1918—that is to say, powers for the enforcement of the owner's or occupier's liability to repair drainage works, the exercise of a defaulting authority's functions where the default results in flood injury, etc., or where such exercise might materially remedy defects, and the execution and maintenance of small drainage schemes not costing more than £5,000. The necessary financial machinery and borrowing powers of local authorities are dealt with and authority is given to enter on and inspect land. S. 2 of the Act amends the general law of liability for maintenance of drains ; councils can serve notices upon persons responsible for the condition of a drain where the proper flow is impeded ; these persons must comply with the notices, but they can take the matter before a bench of magistrates or can ask for arbitration ; there is a right of appeal to quarter sessions from the magistrates' decision.

Farmers and traders will alike be interested in the Fertilisers and Feeding Stuffs Act (c. 45) which prospectively replaces the statute of 1906. The new law requires the vendor of certain fertilisers and feeding stuffs to give the purchaser a warranty upon which a civil action can be

founded ; it gives facilities for testing such a warranty by analysis and enables the purchaser to have the benefit of this test without exposing himself to the risk of having to appear as a witness against the vendor in criminal proceedings initiated by the county council. As English farmers seem most reluctant to give evidence of this kind, it is enacted that samples shall be taken on the premises of the vendor, not on those of the purchaser. The Act will give additional protection to the farmer by facilitating criminal proceedings in cases of fraud, but the criminal liability of the vendor is limited to goods which are in his possession or under his control. The articles to which the Act is to apply are set out in the first and second schedules.

The sale of agricultural produce is the subject of further legislation. In addition to the enactments (to be described presently) requiring articles of food such as potatoes, bacon, ham and butter to be sold by strict weight, there are two new statutes which follow recommendations of Lord Linlithgow's Committee on Distribution and Prices. The Horticultural Produce (Sales on Commission) Act (c. 39) defines " horticultural produce " as vegetables, fruit, flowers and plants. If the owner or consignor sends the salesman before a sale on commission an advice note specifying the nature and description of the packages consigned and the contents thereof, then the following new provision will apply. The salesman must record and deliver particulars of the actual price paid or agreed to be paid, the commission or other charge for selling (with details of any charge for services), and the detailed amounts (if any) paid or payable by the salesman on behalf of the owner or consignor in connexion with the sale. If the salesman is the purchaser, the fact is to be stated. There is a penalty for non-observance with a saving for *bona fide* mistake or accident, and the owner or consignor may within ten days of delivery have the salesman's books inspected by a qualified accountant. The Act applies to England and Scotland. The Markets and Fairs (Weighing of Cattle) Act (c. 21) is also intended to help producers to obtain good prices. In every market where cattle are sold by auction and where there is a weighing machine, auctioneers are not to offer for sale cattle fit for immediate slaughter unless they have been weighed and their weight is disclosed to intending purchasers. The Minister of Agriculture has a discretionary power of exemption and there are other minor administrative provisions.

Housing.—The post-war system of subsidized house-building had perhaps favoured the denser centres of population rather than the isolated places of the countryside. The Housing (Rural Workers) Act (c. 56) aids the latter by rendering habitable many cottages previously insanitary or falling into decay. Its plan is for the local authorities to submit to the Ministry of Health schemes for the reconstruction and improvement of houses or buildings to accommodate agricultural workers or persons similarly placed. The schemes must specify the value of the proposed works after completion, the time limit for completing and the nature of the works " which may consist of structural alteration, repair, addition, provision of water supply, drainage or sanitary conveniences or other like works, but shall in no case include works of ordinary repair or upkeep " save as incidental to the works already mentioned. When the schemes are approved, the local authorities may give assistance by grant or by loan, but the final value of the dwelling must not exceed £400 nor must the work cost less than £50. Further, assistance cannot be given

unless the work will produce something " in all respects fit for habitation as a dwelling by persons of the working classes," and the local authority can refuse if the proposed work will be unsatisfactory because of the narrowness or bad arrangement of adjacent buildings or if it will interfere with historic or artistic surroundings. The loan or grant is repayable with compound interest on any breach of the following statutory conditions which are to apply to the dwelling for 20 years: (*a*) the dwelling must be occupied by an owner or tenant whose income is such that he would not ordinarily pay a rent in excess of that paid by agricultural workers in the district; (*b*) the rent is not to exceed the " normal agricultural rent " (rather elaborately defined) plus an addition of 3 per cent. of any sum spent on the improvement by the landlord out of his own pocket; (*c*) the owner must certify to the local authority from time to time (as required) that the foregoing conditions are being complied with; and (*d*) if the tenant assigns or gives up possession of the dwelling he must not take any payment by way of rent or otherwise from anybody. If the owner pays off the grant with compound interest before the 20 years are up, the house can be freed from the conditions. The local County Court can, on the local authority's application, restrain a breach of the conditions (whether actual or apprehended) and can order payment of any sum which becomes due by reason of a breach. The Government's contribution to the finance of the Act is made by annual payments for 20 years equal to half the estimated annual loan charges falling on the local authority.

Public Health and Safety.—Two statutes improve the prospects of detecting crime and ascertaining the true cause of death. The first of these is the Births and Deaths Registration Act (c. 48). No dead body can henceforth be disposed of in England except on a registrar's certificate or a coroner's order. A registrar, when he registers a death, will forthwith give the informant a certificate of registration; the recipient must transmit the certificate to the person effecting disposal of the body; the latter person must, within 96 hours of disposal, give the registrar a notification as to the date, place and means of disposal. If, within a prescribed period after giving a certificate, the registrar receives no such notification, he is to make inquiry. Thus, in broad outline to be filled in by statutory regulations, a system of counterchecking is set up; it will be less possible for A to be buried on the authority of a document relating to B, or for C whose death has not been notified to be buried without the knowledge of the registrar. The form to be used in notifications is to be standardized and a doctor's certificate of the cause of death will be made in a document containing more exactly classified information than before; in addition (except where an inquest is held) the doctor will deliver his certificate direct to the registrar instead of to the relatives of the deceased. Dead bodies are not to be removed out of England until after notice to the coroner and the expiration of a prescribed period. There is new provision as to still-born children which may place a check upon infanticide. The birth of a " still-born " child (defined in s. 12 of the Act) is to be registered in a special register; the person whose duty it is to give information must either furnish the registrar with a written certificate that the child was not born alive (signed by a registered medical practitioner or certified midwife who was in attendance at the birth or has examined the child) or else must make a formal declaration that no doctor or midwife was present at the birth or has examined the body or that such

certificate cannot be obtained and that the child was not born alive. Still-born children are not to be buried without a registrar's certificate or, if there has been an inquest, a coroner's order. The Minister of Health, with the concurrence of the Secretary of State, may make regulations governing the removal of bodies out of England and also—

> imposing any conditions and restrictions with respect to means of disposal otherwise than by burial or cremation, as to the period of time a body may be retained after death in an inhabited house or other premises, or with respect to embalming or preservation, which may appear to be desirable in the interests of public health or public safety.

The power of the Home Office to make regulations under the Cremation Act of 1902 is extended to cover the application of the new Act to the disposal of human remains by cremation; save as thus applied, the new Act does not apply to cremation.

The object of ascertaining the exact cause of death is also promoted by a Coroners (Amendment) Act (c. 59) which introduces a more complete uniformity into the ancient office of the coroner and improves the procedure at inquests. In future coroners and their deputies and assistants must possess either a legal or medical qualification and must be of five years' professional standing. The disqualification which bars aldermen and councillors from being coroners in counties is extended also to boroughs, and the old requirement that a county coroner should have a freehold land qualification is abolished. There is machinery for rearranging coroners' districts in counties on plans originated by county councils and approved by the Home Office, and various inconvenient or unnecessary "franchise coronerships" are abolished. In the Isle of Wight, for instance, the Governor of the Island was formerly coroner, but in practice appointed a deputy to hold inquests; in future, the county council will appoint a coroner for the Island. The office of coroner for the jurisdiction of the Admiralty in England is allowed to lapse as well as the franchise coronerships in the Duchy of Lancaster, the liberties of which extend far beyond the confines of the county palatine of Lancaster. The abolition of ancient jurisdictions is, however, not quite complete: there is a saving for the King's coroner and attorney, the coroner of the King's Household (who may in future appoint a deputy), the coroner for the Scilly Isles and the coroner for the City of London, though the special position of the last-named officer will undergo a change after the next vacancy in that the Coroners Acts (as now amended) will then apply to the City. County and borough coroners are now to be paid by salary, not by piecework. The following important changes are made in the actual holding of inquests. In place of the war-time provision about non-jury inquests it is enacted that a jury may be dispensed with except where the coroner has reason to suspect the existence of one of the following five conditions: (*a*) death due to murder, manslaughter or infanticide, (*b*) death in prison or in such place or circumstances as make an inquest necessary under any Act other than the Coroners Act of 1887, (*c*) death due to accident, poisoning or disease requiring statutory notification, (*d*) death caused "by an accident arising out of the use of a vehicle in a street or public highway," or, finally, (*e*) death occurring "in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or of any section of the public." If a jury fails to agree on its verdict and the minority

numbers not more than two, the coroner may accept a majority verdict; in any other case of disagreement he can discharge the jury and summon another. He himself must always view the body at or before the first sitting, but in future the jury need not view it unless the coroner so directs or a majority of the jury so desires; thus the force of the old phrase *super visum corporis* is weakened. A coroner can arrange, if expedient, to allow a body to be removed out of his jurisdiction into another coroner's jurisdiction for the purpose of holding an inquest there; and, if several deaths appear to be due to the same accident or occurrence, the Home Secretary may direct the removal of bodies into a particular jurisdiction (if he deems it to be in the public interest) so that a single inquest can be held for all. Where a coroner thinks a body has been destroyed by fire or otherwise, or " is lying in a place from which it cannot be recovered," he may report the facts to the Home Secretary who may then order an inquest. If at any time the High Court deems that the discovery of new facts or evidence makes it necessary or desirable in the interests of justice, a fresh inquest can be ordered. The former clashing or overlapping of coroners' inquests and criminal proceedings before a magistrate can in future be avoided in cases of suspected murder, manslaughter or infanticide by adjourning the inquest till the result of the criminal proceedings is known. The rest of the Act contains provisions as to rules, forms and returns, a scale of fees for medical witnesses, and new arrangements for post-mortem examinations the results of which, when reported to the coroner, may show an inquest to be unnecessary.

The Midwives and Maternity Homes Act (c. 32) falls into two parts. The first amends the Midwives Act of 1902 as already amended in 1918. The prohibition on an unqualified woman acting as midwife contained a saving clause for anyone not so acting " habitually or for gain." These words were abused and are therefore repealed; the only exemption now is " in a case of sudden or urgent necessity "; otherwise the unqualified person, male or female, must not act in future unless under the direction and personal supervision of a qualified medical practitioner. Midwives suspended from practice to prevent the spread of infection may recover reasonable compensation from the local supervising authority. In cases of special difficulty the midwife has been directed by law to call in a doctor; the doctor's fee is paid by the county council, which recovers the money from a patient who is not too poor to afford it. Difficulties in the collection of these sums had been ingeniously met by persuading the expectant mothers to insure themselves; this arrangement receives statutory confirmation. The Act also allows the full roll of midwives, which contains many names of women who do not in fact practise, to be divided into two sections. One, containing all practising midwives, is to be published every year; the other, containing the non-effectives, may be published at five-year intervals. An official badge is provided as a distinction for qualified midwives. The second part of the Act requires the registration of maternity homes in England—a requirement for which certain counties or boroughs had already obtained sanction by local Act. If registration is refused or cancelled there is a right of appeal to a bench of magistrates and thence to quarter sessions. The local authority can make by-laws as to the records of patients received, children born and deaths occurring in such homes, and can inspect the premises and records. Local authorities may exempt hospitals or premises for the conduct of which a duly qualified medical practitioner resident therein is responsible,

or hospitals or institutions not carried on for profit and not used mainly as a maternity home.

The Public Health (Smoke Abatement) Act (c. 43) increases penalties and tightens up the law of nuisance as applied to London and the rest of England. "Smoke" is to include soot, ash, grit and gritty particles. Smoke issuing from a chimney (other than a dwelling-house chimney) in such quantity as to be a nuisance is not to be deemed the less a nuisance because the smoke is not black smoke. If, however, the smoke is not black it is to be a good defence to show that the best practicable means have been used for preventing the nuisance, regard being had to the cost and to local conditions and circumstances—a rather wide phrase. "Chimney" is to include any structure or opening capable of emitting smoke. Local authorities may (and, if required by the Minister of Health, must) make by-laws regulating the emission of "smoke of such colour, density or content as may be prescribed"; the burden of proof is put on the manufacturer, not on the local authority. They may also conduct research into atmospheric pollution. Urban authorities may make by-laws requiring the provision in new buildings of heating or cooking arrangements calculated to reduce or prevent smoke emission. But this provision is not to apply to dwelling-houses, so that the domestic hearth is respited. Lord Newton could complain of other exemptions from the scope of the Act. Sheffield interests are secured by a saving for iron and other metal processes; the Minister is given elastic powers as to the list of processes protected. Officers of local authorities must "as soon as practicable" notify occupiers of premises on which smoke nuisance exists. Sea-going ships are entirely exempted and thus attain more complete immunity than they had before. Government establishments, which (as in the case of arsenals) may be grave offenders, are leniently treated; the local authority will report its complaints to the appropriate department and the Minister concerned, if satisfied after due inquiry that a nuisance exists, will take steps to abate it and prevent its recurrence.

The insidious effects of lead poisoning make it an industrial disease of special danger to the painting trade. The Lead Paint (Protection against Poisoning) Act (c. 37) relies upon regulation instead of prohibition. The Secretary of State may make regulations for preventing danger from lead paint to persons employed in the painting of buildings and fixtures. Regulations may be made in particular for (*a*) prohibiting the use of any lead compound except in the form of paste or of paint ready for use, (*b*) preventing danger arising from the application of lead paint in the form of spray, (*c*) prohibiting dry rubbing down and scraping, (*d*) providing for periodical medical examination and the suspension from employment of persons whose health is (or appears likely to be) injuriously affected by the use of lead paint, (*e*) securing ablution facilities, (*f*) ensuring the use of protective clothing, and (*g*) distributing to employees instructions with regard to hygienic precautions. Danger arises from dust and dry rubbing; it is hoped that insistence on the wet rubbing process will lessen the risk. The Act prohibits the employment of women and young persons in painting buildings with lead paint, but apprentices can be exempted as well as those engaged in special decorative work of a non-industrial character. Various provisions of the Factory and Workshop Act (as to notification of lead poisoning, breaches and publication of regulations, powers of inspectors and legal proceedings) are applied.

Employers are obliged to send their names and addresses to their district Inspector of Factories and to keep registers showing particulars of persons employed and of their work. Inspectors may take samples, and a certificate of the analysis of a sample by the Government Chemist is to be evidence of the matters stated therein. Where a few painters are employed in painting the rooms of a dwelling-house, inspection will be difficult ; it is hoped that the trade unions will obtain observance of the regulations.

Crime and Punishment.—In addition to the amendment of the law of coroners and the creation of various new offences of a minor kind, there are three measures dealing with criminal law. The most significant is the Criminal Appeal (Scotland) Act (c. 15), which showed that the English precedent of 1907 was deemed worth following. The Act gives a person convicted on indictment the right to appeal to the High Court of Justiciary. Cases may also reach the Court by way of reference from the Scottish Office either with a view to obtaining an opinion upon some particular point, or with a view to determining them as if they came up as appeals. The Act does not confer upon the appellate tribunal the power to order a new trial.

A measure applicable to both England and Scotland, originally entitled the Criminal Justice (Increase of Penalties) Bill, was passed into law as the Penal Servitude Act (c. 58). Prison discipline in England is differently labelled according as the term of the sentence does or does not exceed two years. Under two years it is imprisonment with or without hard labour ; over two years it is penal servitude. To the past generations of prisoners two years' imprisonment with hard labour was a crushing penalty—far heavier than the same period of penal servitude. For many crimes—*e.g.* bankruptcy offences and certain assaults upon children—the law has not allowed penal servitude to be imposed. Thus, where an offender has been charged with a series of these, the Court (if the case deserves a severe sentence) is obliged to impose successive periods of imprisonment which go beyond the two-year period. The new Act, passed after the Lord Chief Justice had drawn attention to the necessity,[1] allows the Court to substitute a sentence of penal servitude where the accused is convicted on indictment of two or more offences in respect of which he is liable to be sentenced to terms of imprisonment aggregating three years or more.

The Criminal Justice (Amendment) Act (c. 13) alters the law for placing offenders on probation. Courts, when making probation orders, may further order the offender to pay the costs of the proceedings or damages for injury and compensation for loss. The Act contains a printing-clause for reprinting the Criminal Justice Act of 1925 as thus amended.

Administration of Justice.—The general administration of justice (not restricted to criminal matters) is affected by the Judicial Proceedings (Regulation of Reports) Act (c. 61). It prohibits in general terms the printing or publishing, in relation to judicial proceedings, of "any indecent matter or indecent medical, surgical or physiological details . . . calculated to injure public morals." In divorce or similar proceedings the Act specially prohibits the printing or publication of any particulars other than (i) the names, addresses and occupations of the parties and witnesses, (ii) a concise statement of the charges, defences and countercharges in support

[1] In *R.* v. *Hayley Morriss*, (1926) 19 Cr. App. R. 75.

of which evidence has been given, (iii) submissions on any point of law arising in the course of the proceedings and the decision of the Court thereon, and (iv) the summing-up of the judge and the finding of the jury (if any) and the judgment of the Court and observations made by the judge in giving judgment. Nobody but a proprietor, editor, master printer or publisher can be convicted under the Act and nobody can be prosecuted in England without sanction of the Attorney-General. The statute was hurriedly passed and is not the best example of draftsmanship. It is so framed as to bar publication of the names of the judge, counsel and solicitors in a divorce trial. At first it was not foreseen that the proposal would also bar the printing of pleadings in certain cases, but this point was met by exempting the printing of pleadings, transcripts of evidence or other documents for court use. An exemption was also added for publishing "matter in any separate volume or part of any *bona fide* series of law reports which does not form part of any other publication and consists solely of reports of proceedings in courts of law or in any publication of a technical character *bona fide* intended for circulation among members of the legal or medical professions." The Act applies to England and Scotland, but not to Northern Ireland.

The Indian and Colonial Divorce Jurisdiction Act (c. 40) gives an Indian High Court jurisdiction to dissolve a marriage where the parties are British subjects domiciled in England or in Scotland in any case where an Indian Court would have such jurisdiction had the parties been domiciled in India. This recognition of Indian jurisdiction (which some Indian Courts had believed to have been granted by the Indian Divorce Act of 1869) is guarded by the following conditions: (*a*) the grounds of a decree for dissolving a marriage are to be those accepted by English law in England; (*b*) the Indian jurisdiction is to follow principles and rules conforming to those of the English High Court; (*c*) Courts are not to grant relief under the new Act unless the petitioner resides in India at the time of presenting the petition and unless the place where the parties last resided was in India, nor is marriage to be dissolved unless it was either solemnized in India or the adultery or crime complained of was committed in India; and (*d*) Indian Courts may refuse to entertain petitions unless the petitioner can show that official duty, poverty or other sufficient cause prevented the taking of proceedings in the country of domicile; the Court is to refuse unless satisfied that trial in India is desirable in the interests of justice. There is provision for registering Indian decrees or orders in the High Court of England or Scotland. The Lord Chancellor has power to make important rules imposing further conditions as to the nomination of Indian judges, the right of appeal, the staying of proceedings in India when they have also been instituted in England or Scotland, and the carrying out in India of duties such as those performed by the King's Proctor at home. The statute can be extended by Order in Council to any of His Majesty's Dominions except the self-governing Dominions.

An Act relating to the Supreme Court of Northern Ireland has already been mentioned.

Law of the Family.—After the ground had been explored by Sir Alfred Hopkinson's Committee in 1920 and Mr. Justice Tomlin's in 1924, the Adoption of Children Act (c. 29) at last became law in order to give legal sanction to a practice which has been steadily increasing. Courts—*i.e.* the High Court or, if the applicant chooses, the County Court or a Court of

Summary Jurisdiction—can make adoption orders if satisfied that the order will be for the welfare of the adoptee and that no payment or other reward (except such as the Court may sanction) has passed between the parties. An adopter must not be under twenty-five years of age, nor (save where the two are within the prohibited degrees of consanguinity) less than twenty-one years older than the adoptee. A male applicant acting alone cannot adopt a female unless the Court is satisfied that special circumstances justify the order as an exceptional measure. Adoption orders cannot be made on the application of a husband without his wife's consent or *vice versa*, nor in favour of an applicant not resident and domiciled in England or Wales or in respect of an adoptee who is not a British subject and similarly resident. The adoption order passes all the parents' rights, duties, obligations and liabilities to the adopter, but it is not to deprive the adopted child of any right to property to which it might have been entitled but for the order under any intestacy or disposition; nor is the order to confer on the adopted child any right to property as a child of the adopter; unless the contrary intention appears, the word "child" in a disposition will not include an adopted child. Interim orders can be made for a two-year probationary period; provision is made for existing *de facto* adoptions, and arrangements are made for the Registrar-General to keep an Adopted Children Register in a prescribed form.

In another respect, too—*legitimatio per subsequens matrimonium*—England at last comes into line with other countries. Where the parents of an illegitimate person marry, the marriage legitimizes that person (if living) from the date of the commencement of the Act if marriage has already taken place, or from the date of the marriage, whichever last happens. Legitimation operates only where the father of the illegitimate person was or is at the date of the marriage domiciled in England and nothing in the Act is to operate to legitimate a person whose father or mother was married to a third person when the illegitimate person was born. The Registrar-General will re-register the birth of a legitimated person in accordance with regulations; for this purpose the husband and wife must give him information within three months of their marriage. The effect of legitimation upon inheritance has always roused controversy, as it did nearly seven centuries ago when at the making of the Statute of Merton all the earls and barons with one voice gave their famous answer *Nolumus leges Anglie mutare*. The Act of 1926 is careful to limit the rights of legitimated persons, their spouses, children or remoter issue to take any interest in real or personal property. In particular, where the right to property depends on the relative seniority of children and the children include one or more legitimated persons, the latter will rank as if born on the day of legitimation. The Act is not to affect the succession to any dignity or title of honour nor (unless the contrary intention is expressed in the disposition) the devolution of property to accompany such dignities or titles of honour. Provision is made for death duties, for illegitimate persons dying before the death of their parents and for persons legitimated by extraneous law. An illegitimate child and its mother may succeed on the intestacy of one another. Claims for legitimation may be presented by petition in the High Court or the County Court as if under the Legitimacy Declaration Act, 1858. The Legitimacy Bill, which ultimately became the Act of 1926, had been passed both in 1924 and 1925 by the House of Lords; when it came before Parliament again in 1926, the fact was apparently overlooked

that the Act of 1858 had been superseded during 1925 by s. 188 of the Supreme Court of Judicature (Consolidation) Act but, in view of s. 226 of the 1925 Act and s. 38 of the Interpretation Act, no difficulty arises.

The Fighting Forces.—The annual statute (c. 6) which gives another year of life to the Army Act and Air Force Act makes as usual a few miscellaneous amendments. One of these enables air force officers to sit as members of courts martial under the Army Act where sufficient military officers are not available. Another allows billeting in emergency although the Territorial Army has not yet been embodied. S. 10 and the second schedule rewrite the law as to soldiers in penal servitude, imprisonment or detention and as to military prisons and detention barracks, substituting some 15 new sections for the former rather untidy clauses. If we cannot have a whole new Army Act drafted in modern form in lieu of the existing patchwork, it is to be hoped that this process of piecemeal clarification will be continued year by year.

The Naval Reserve (Officers) Act (c. 41) allows the Admiralty to appoint the rate and conditions of pensions and allowances for officers sustaining disability of mind or body and also, when death is due to wound, accident, injury or disease attributable to naval service, the pensions, allowances and gratuities to be received by officers' widows, children and other dependents.

The Imperial War Graves Endowment Fund Act (c. 14) incorporates the trustees of the Fund and authorizes them to accumulate income in augmentation of the Fund till the total reaches £5,000,000.

Trade and Commerce.—Several statutes of 1926 reflect the continued difficulties of post-war industrial conditions. The Trade Facilities Act (c. 3) increases the total of trade facilities loans from 70 to 75 millions and extends for a further year the period during which loans may be guaranteed. It also prolongs by three years the period for giving guarantees under the export credits scheme and the period during which the guarantees may remain in force. Fresh provision for unemployment insurance is an inevitable annual feature of the statute-book ; the 1926 Act (c. 12) extends certain emergency arrangements. The Unemployment Insurance (Northern Ireland Agreement) Act (c. 4) is designed to equalize the rates of contribution and benefit as between Great Britain and Northern Ireland for the next few years. Unemployment insurance, of course, is a transferred subject under the Government of Ireland Act, but it was never contemplated that the relief of unemployment in Ulster (where conditions have been proportionately more acute) should be depressed below the general standard. The Agreement assimilates the separate Unemployment Funds of Great Britain and Northern Ireland, so that an equalizing payment may be made from the richer to the poorer Fund, whichever that may be.

Perhaps the most important legislation of the year was that which sought to lower the costs of production by developing the electrical resources of Great Britain and to repair the misfortunes of the mining industry. The plan of the Electricity (Supply) Act (c. 51) is to pool the generating resources of the country without nationalization. Supply in Great Britain has developed on rather parochial lines with no standardization of frequencies or voltages, with many small generating stations and an excessive percentage of spare plant and with a low average load factor. The Act seeks to control the generation (though not the distribution) of electricity supply under a Central Electricity Board. This Board, which

is to be appointed by the Minister of Transport, is not to act as a government department, but as an electricity undertaking itself along with other authorized undertakers. It consists of a chairman and seven members, and there are provisions for dissociating them from interest in the contracts and operations of companies supplying electricity or manufacturing machinery. The already existing Electricity Commissioners are to form a scheme for various areas, (*a*) determining the selected generating stations, (*b*) securing interconnexion by means of main transmission lines or other lines, (*c*) standardizing frequency, and (*d*) making temporary and incidental arrangements. The Board, on receiving a scheme from the Commissioners, publishes it, considers any comment, and if necessary holds inquiries; after these preliminaries it can adopt the scheme generally or partially. Schemes thus adopted must be again published, and are then ready for execution, subject to the right of authorized undertakers to lodge an appeal and go to arbitration if affected by the proposals. The next task of the Board is to arrange with the owners of the existing generating stations (municipalities, power companies, etc.), subject to certain safeguards. The arrangement is to be voluntary, but, if the owner stands out, the Minister of Transport has the power to order the acquisition of a station at a price which is roughly the capital cost less depreciation. The local joint electricity authority—if any—has the first refusal of a station thus compulsorily acquired: if there is no such authority or if it declines, the station can be handed over to any approved undertakers or company; if no such arrangement can be made, the Board may operate the station itself. Similarly the Board can arrange for new selected stations and, if such arrangements fail, can itself provide and operate the new station. The owners of selected stations are obliged (*a*) "to operate the station so as to generate such quantity of electricity at such rates of output and at such times as the Board may direct, and to conduct such operations with due regard to economy and efficiency," and (*b*) to sell the Board all their output at a price representing (unless otherwise agreed) the cost of production. The owners of the selected station are entitled to buy back the electricity they require at a fixed tariff or on terms based on the cost of production plus the Board's expenses. As soon as the Board notifies that it is ready to supply electricity in any area, it is obliged to supply (subject to certain conditions) directly or, if more current is demanded than the whole output of the station, indirectly. These arrangements for supply and for price, as well as for the demands made by non-selected stations, are naturally intricate pieces of drafting. The power (under order of the Electricity Commissioners) to shut down a generating station and compel it to take a supply of electricity in bulk from the Board is subject to provision for compensating persons deprived of employment. The Central Electricity Board may acquire land, use main transmission lines and purchase surplus electricity; initial interconnexions and standardization will cost money, so the Board may borrow up to 33½ millions and can issue stock with a Treasury guarantee of interest and principal upon what are known as Trade Facilities Acts conditions. The new Act concludes with a number of amendments of the general law, including supply to and by railways and—a more controversial matter—the sale of electric fittings by joint electricity authorities or competent local authorities. As is now so often the case, there is a schedule of minor amendments of previous Acts—a drafting device convenient rather than readily comprehended.

The object of the Coal Mines Act (c. 17) was to permit an additional hour to be worked per day. This was achieved not by any direct statement of principle, but by merely eliminating certain words in the Coal Mines Regulation Act of 1908. The eight hours day rested on s. 1 of that Act, but s. 3 provided that, in any mine where the owner or manager so desired, an extra hour a day might be worked " on not more than sixty days in any calendar year." When the seven hours day was introduced by the Coal Mines Act of 1919, s. 3 of the 1908 Act was left untouched. The 1926 Act, by repealing the sixty days limit in the words quoted above, effected its object in an economical form which offered to those who opposed it in Parliament the fewest possible opportunities of proposing amendments. Later in the Mining Industry Act (c. 28) the Government gave effect to selected recommendations made by Sir Herbert Samuel's Royal Commission. Many of the recommendations in the Samuel report were not matters for legislation and indeed the subject dealt with in Part I of the Act—amalgamations and absorptions—is still left largely to voluntary effort. Amalgamation and absorption schemes can be submitted to the Board of Trade and, if a *prima facie* case is made out for their promoting the more economical and efficient working, treating or disposing of coal, they are to be referred to the Railway and Canal Commission. The latter body, after considering any objections, may confirm a scheme with or without modification or may reject it. But the Commission is to confirm a scheme " if satisfied that it would be in the national interest to do so," and that the terms of the scheme are fair and equitable to all persons affected thereby. Schemes, when confirmed, are to be binding on everyone and will override the memorandum and articles of companies. The interpretation of the phrase " in the national interest " is left to the Railway and Canal Commission, which in this task may be assisted by the views of such persons as may be thought fit, " including representatives of persons employed in any undertakings affected by the scheme." Part II of the Act extends the Mines (Working and Facilities) Support Act of 1923. The latter statute gave certain powers of working coal which otherwise would be left unworked where the non-working was hampering development. Under the 1923 Act the applicant had to show that he had an interest in the minerals which he sought to work (or in adjacent minerals) and also that there was danger of their not being worked. The 1926 Act substitutes the solitary condition that the applicant can satisfy the Railway and Canal Commission that the proposed working is in the national interest. The Commission is also empowered to modify any hampering conditions in a lease which restrict the efficient and economic working of coal; here again the test is the national interest. Part III of the Act imposes a " royalties welfare levy " of a shilling in the pound; this is to be paid into the welfare fund created by legislation in 1920. The miners' welfare committee is to do its best to provide washing and drying accommodation at coal-mines, and the levy on royalties is earmarked for this object until the Board of Trade otherwise directs. Some critics had alleged that the troubles of the mining industry were due to the excess of miners. The Minister of Labour, under Part IV of the Act, may make regulations to secure that in the recruitment of persons over eighteen years of age preference shall be given to miners who were at work at the end of April 1926. There is provision for consulting associations of employers and employees before the regulations are made, and there

is an express saving for men with war disability pensions. After Part V, which seeks to wind up the coal-mines excess payments and coal levy (relics of the war period), there is a final Part VI containing miscellaneous matters. Coal-mining companies can establish profit-sharing schemes notwithstanding anything in their memorandum or articles. If in any mine the owners or managers do not in two years establish machinery for mutual discussion between representatives of the management and of the miners, the Board of Trade may apply regulations constituting a joint committee with specified functions. The most important of the remaining clauses gives the department of Scientific and Industrial Research a right to information on the sinking of shafts or boreholes intended to go to a depth of over 100 feet. The operation of the Act can be watched by the periodical report which the Board of Trade is to make to Parliament thereon.

The Merchandise Marks Act (c. 53) extends the much-debated but long-established principle of requiring imported goods to bear an indication of their origin. S. 1 deals with latent misrepresentation, and enlarges the application of s. 16 of the 1887 Act; if a trader sells in the United Kingdom imported goods under a British name or trade mark he must indicate their origin, though this provision does not apply to coverings, labels, reels, etc., and the Board of Trade may grant exemptions in cases of difficulty. The main change in the law is found in s. 2. On application to the appropriate department by some substantial interest (manufacturers, producers, dealers, traders, users or consumers or any body of wage-earners), a committee holds an inquiry in relation to goods of any class or description. After the inquiry and report, the department may (unless the trade of the United Kingdom or trade within the Empire is likely to suffer thereby) make a representation to His Majesty, whereupon an Order in Council may prohibit the sale of imported goods of that class or description in the United Kingdom unless they bear an indication of origin. The department may recommend that the goods should bear the indication of origin at the time of importation; if the Order in Council gives effect to this recommendation goods which do not bear such an indication at the moment of importation are to be deemed prohibited goods within s. 16 of the 1887 Act. Before an Order in Council can be made it has to lie in draft before both Houses for 20 parliamentary days, during which either House may move an address against it; it is not to take effect for three months. "Appropriate department" means the Board of Trade except in respect of agricultural and horticultural produce and the produce of any fishing industry in which case there is joint action by the Ministry of Agriculture and Fisheries, the Home Office (presumably representing Northern Ireland where merchandise marks are a "reserved" subject) and the Scottish Office. The appropriate department may grant total or conditional exemption from an Order in Council. The Act, of course, contains provisions as to penalties, including one for removing the indication of origin from imported goods in order to conceal their origin. The definition of "imported goods" excludes those which after importation have undergone in the United Kingdom any process of substantial change and goods made in the United Kingdom which after exportation come back without substantial change. "Indication of origin" can, at the option of the person applying the indication, be either a definite statement of the country of origin where the goods were manufactured or produced, or

else it may consist of the word "Foreign" for foreign goods or "Empire" for those manufactured or produced in His Majesty's oversea dominions.

Miscellaneous and somewhat technical amendments were made in the law of bankruptcy (c. 7). The Court's power to suspend a bankrupt's discharge for not less than two years under s. 26 of the 1914 Act is altered to allow suspension for such period as the Court thinks proper. The 1914 Act gave the Court this and other powers if the bankrupt had, within three months preceding his receiving order, "incurred unjustifiable expense by bringing a frivolous or vexatious action." The new Act takes away the three months' time limit and substitutes "brought on or contributed to his bankruptcy by incurring" for the word "incurred." The priority in bankruptcy given to the wages or salary of a clerk or servant is extended to wages or salary wholly or partly earned by way of commission. The provisions as to second bankruptcies are altered. S. 4 deals with the recovery of property transferred without knowledge of a receiving order. It will protect a bank which pays a bankrupt's cheques without notice of the order inasmuch as the trustee will have no remedy against the bank unless the Court is satisfied that it is not reasonably practicable for the trustee to recover from the person to whom the money was paid or transferred. In s. 154 of the 1914 Act (relating to the consequences where an intending bankrupt fraudulently removes or destroys property within six months before the presentation of a receiving order) the six months period is doubled for the future; certain of the more serious bankruptcy offences under s. 154 are made punishable with five years' penal servitude; and anyone who receives property knowing it to have been fraudulently pledged or disposed of by the bankrupt is guilty of a misdemeanour. After June 16, 1928, the bankrupt's failure to keep proper books of account may be a misdemeanour on a first, instead of on a second, bankruptcy; the new provision is carefully drawn and reproduces the old saving for the bankrupt who "proves that in the circumstances in which he traded or carried on business the omission was honest and excusable." S. 8 enlarges the discretion of the Court to order a debtor's prosecution; s. 9 repeals the former power of the Court (apparently never used) to commit for trial. S. 10 increases the maximum sentence by a Court of Summary Jurisdiction from six to twelve months' imprisonment. These and other amendments made by the 1926 Act follow the main recommendations of a Committee (of which Mr. E. W. Hansell was chairman) set up after the war when a number of bankruptcies had inflicted heavy loss on the trading community.

The Weights and Measures (Amendment) Act (c. 8) extends the statutory definition of "measuring instrument" to include any instrument for the measuring of superficial area or for measurement by counting; it also extends to such "measuring instruments" (if used for trade) the power of control by regulations which already is applicable to weights, measures and weighing instruments. The law is thus made the same for weights and measures and for measuring instruments, it being henceforth possible to compel the stamping and inspection of the latter. The extended definition will cover the petrol pump, now a feature of the king's highway. By an odd oversight the older statutes left it doubtful whether fees could be demanded for testing and verifying any weighing or measuring apparatus if the apparatus was found incorrect or was unstamped. The new Act remedies this omission.

Short weight in the sale of food was one of the matters investigated by the Food Council presided over by Lord Bradbury. The recommendations of that Council form the basis of the Sale of Food (Weights and Measures) Act (c. 63). There had previously been no adequate protection for the public against short weight except in respect of tea and bread; there was no general statutory requirement that goods nominally sold by weight and measure should be actually weighed and measured. The new Act makes it an offence to give short weight, measure or number in the retail selling of articles of food. S. 2 prescribes that a statement of the weight or measure of a pre-packed article of food shall be deemed a statement of net weight or measure unless otherwise specified. S. 3 prohibits misrepresentation of weight, measure or number by any means whatever in the sale of food. S. 4 enacts that certain scheduled articles of common consumption such as tea, coffee, cocoa and potatoes shall be sold by net weight only; other articles need not be sold by net weight if weighed for sale in a wrapper or container, but the weight must not exceed 2½ drams per pound of articles sold in the case of bacon, ham, butter, lard, suet or margarine, or a prescribed proportion in the case of flour, rice, sago, sugar, dried beans, peas or currants and certain other articles. The net weight selling of butcher's meat, bread and milk is governed by three separate sections, but the law will not apply to sales for consumption on the sellers' premises or to sales in petty amounts—*i.e.* single pennyworths or less or quantities under two ounces. The provisions as to bread take the place of Part I of the Sale of Food Order of 1921, a relic of the food control of the war period; fancy bread and loaves under 12 ounces in weight are excepted. The Board of Trade, in consultation with the Minister of Agriculture and Fisheries, may make regulations prescribing the method of marking the weight or measure of pre-packed articles and also in some respects altering the application of the Act. Necessary powers of inspection and entry of premises are given and penalties are specified. The trader receives some protection under s. 12. If there is an alleged deficiency of weight or measure in the case of pre-packed articles or bread, the Court is to "disregard any inconsiderable variation in the weight or measure of a single article," and is to have regard to average weights and measures of reasonable numbers of other articles of the same kind sold or delivered by the defendant, "and generally to all the circumstances of the case." There are further savings for deficiencies proved to be due to *bona fide* mistake or accident or other causes beyond his control or to unavoidable evaporation and drainage where due care has been taken to avoid deficiency from such a cause. An employer can also escape if, upon information laid by him and after due notice to the prosecution, he proves that he himself used due diligence but that some other person is the actual offender acting without the employer's consent, connivance or wilful default. The convenient expression "pre-packed" is explained in s. 14, where "food" is defined to mean every article used for food or drink by man, articles ordinarily used in the composition and preparation of human food, flavouring matters and condiments, but not seeds or seed potatoes.

Finance.—In addition to the annual Appropriation, Consolidated Fund and Public Works Loans Acts and the arrangements already mentioned for financing housing, small holdings and unemployment insurance, the financial measures of the year include a Palestine and East Africa Loans Act (c. 62) giving a guarantee to loans raised by the Govern-

ments concerned. The Finance Act (c. 22), like the Isle of Man (Customs) Act (c. 27), follows its usual form. The safeguarding of industries is continued, the rates of imperial preference are stabilized for ten years, a customs duty is imposed on wrapping paper and the excise duty on chicory is abolished. S. 6 of the Finance Act blocks an opening for tax evasion by providing that, on the passing of a ways and means resolution imposing a customs or excise duty at a specified date, the Commissioners of Customs and Excise may require an importer to give security that he will pay duty on goods imported on or after that date in the event of the resolution receiving statutory effect; a similar precaution is taken for securing payment of an excise duty from the earliest possible moment. The main financial change in 1926 is the imposition of a betting duty. This is done with an express disclaimer of any intention to legalize betting. A duty of 3½ per cent. is imposed on every bet made with a bookmaker; on horse-racing bets made on a race-course on the day of the race between bookmaker and client both attending the races the duty is 2 per cent. Bookmakers must take out an annual certificate at a cost of £10, and also an annual "entry certificate" (at £10) in respect of the entry for any betting premises kept or used by them. The bookmaker is made responsible for paying the betting duty and, unless he makes an approved arrangement for furnishing returns of all bets and gives approved security, he must issue a "revenue ticket" in a prescribed form to the person with whom the bet is made, the ticket denoting that the proper betting duty has been paid. The Commissioners are given the necessary power of entering betting premises, and they can arrange with the police for the discharge of their duties. An excise penalty of £100 is imposed on anyone contravening the statute or acting as bookmaker or keeping betting premises without the necessary certificates. Anyone found accepting a bet without issuing a revenue ticket or failing to produce a bookmaker's certificate on demand, may be arrested without warrant. On conviction a bookmaker may be disqualified, and his certificate endorsed. The income-tax provisions of the Finance Act *inter alia* give effect to an agreement for relief from double taxation in respect of British and Irish Free State tax. There is a change in the basis of assessment of tax on certain property, a transfer being made from Schedule A to Schedule D; the method of computing profits under Schedule D is varied so as to accept the profits of the year preceding the year of assessment. Several technical alterations are made as to the effect of discontinuing a trade or profession, relief in respect of losses and apportionment in profits, these changes being worked out with the aid of a schedule of consequential and minor amendments of the 1918 Act. A further step is taken to wind up the excess profits duty, a time-limit (September 30, 1926) being set to further assessments or claims for relief. The Exchequer takes seven millions from the Road Fund, and power is given to extend the currency of war savings certificates, or (as they were subsequently named) national saving certificates and to issue other securities in exchange for them.

The Economy (Miscellaneous Provisions) Act (c. 9) is an attempt to reduce the tax-payers' burden by some £7,000,000. Part I makes savings and adjustments in the financing of health insurance. Part II reduces the State's contributions to the unemployment insurance scheme. Part III cuts down expense by substituting one register of electors for two in the year; to avoid disfranchising electors, the qualifying period is reduced

from 6 to 3 months; the polling arrangements for Orkney and Zetland are revised. Part IV removes doubts as to the power of the Board of Education to reduce grants. Part V establishes an amalgamated "Bankruptcy and Companies Winding-up (Fees) Account" and gives power to fix scales of fees in relation to expenses. Part VI deals with Merchant Shipping Act fees and allows the Postmaster-General to increase his revenue by placing advertisements on postmarks. This last provision was open to the objection of seeming to give official recognition to one trader at the expense of his competitors, and it has been little used. The numerous attempts made by the Act to save money or to raid the superfluity of a fund were no more popular than any concrete propositions of economy ever are. A novel feature of the Act is the giving of short titles to Parts I and III as though these were separate Acts in themselves.

Local Government.—If wide powers are granted to local authorities, there must be some provision for dealing with the consequences of default. This provision, which had frequently been furnished in the past to ensure due action in respect of housing, education and other services, is applied to poor relief by the Board of Guardians (Default) Act (c. 20). If it appears that guardians have ceased to perform their duties or are acting in such a manner as will render them unable to do those duties, the Minister of Health may by order appoint persons to act in their place. These appointed guardians will hold office for the period (not exceeding 12 months) specified in the order; the period may be extended from time to time. Their remuneration and their reasonable travelling and subsistence allowances will be fixed by the Minister.

The 1921 arrangement for pooling the cost of out-relief in London is continued for another two years by the Local Authorities (Emergency Provisions) Act (c. 10). The Act enables the poorer unions to obtain more than their ordinary share from the Metropolitan Common Poor Fund—a temporary arrangement which may some day be determined by a permanent reform of London poor law. The Act also extends the period in which local authorities can repay loans made by the central authority.

The Local Government (County Boroughs and Adjustments) Act (c. 38) gives statutory effect to a compromise between county councils and other authorities. In future no borough having a population under 75,000 can ask to be constituted a county borough; the former figure under the 1888 Act was 50,000. Boroughs are not to be made into county boroughs by Provisional Order, but by Private Bill. The Provisional Order procedure, involving a local inquiry before a Ministry of Health inspector, was thought not to give the county council a fair chance. Extensions of county boroughs, however, may still be made by Provisional Order if no objection is raised by any local authority affected; Provisional Order procedure may also be employed for uniting two county boroughs. The Act varies the maximum period during which adjustments of financial burdens may be made as the result of altering boundaries; the 15-year period under a statute of 1913 is raised to 21 years where the increased burden is attributable to the cost of road maintenance.

Under the Police Pensions Act of 1921 police authorities in Great Britain are to make "rateable deductions" of 2½ per cent. per annum from the pay of members of the police force. An Act of 1926 (c. 34) increases the proportion to 5 per cent. and settles an outstanding controversy by allowing a police authority in England a discretion to return

such deductions to a policeman retired between June 30, 1919, and August 28, 1921, or, in cases of retirement or dismissal during that period, to apply the sums for the benefit of his wife, widow or children.

The process of simplifying the rating and valuation law, begun in England in 1925, was extended to Scotland in 1926. The Rating (Scotland) Act (c. 47) unifies the rate-levying machinery and puts all rates on one rental basis. County councils, town councils and parish councils in Scotland previously levied their own separate rates and employed their own collectors. The rate-payer paid always two different authorities (the parish council and the county or town council), sometimes three (in a police burgh), or even four (where water supply was managed by a special water trust). There were separate assessment rolls and separate demand notes. Except that water rates in special areas may still be separately levied as before, the new Act constitutes a single rating authority—the county or town council as the case may be ; the other spending authorities will obtain on precept the sums required to be raised on rates. This should reduce some 11,000 separate rating authorities in Scotland to about 240 and ultimately, when the compensation for dispossessed collectors is paid, should make for economy. County and burgh rates were previously levied on gross rental, parish rates on net rental determined by a system of deductions under s. 37 of the Poor Law Act of 1845 —a system which could hardly survive the Court of Session decision in the Etna Iron and Steel Co. case in 1924. In spite of a slight preference for a gross rental basis exhibited by Lord Dunedin's Committee, the Act adopts the alternative of a net rental arrived at by making certain percentage deductions specified in the first schedule. The 1923 arrangements as to agricultural land gave the owner and occupier 50 per cent. relief apiece with a right for the occupier to get a further percentage out of the owner's proportion. The new Act adopts the more direct method of giving one-fourth relief to the owner and three-fourths to the occupier. There is an intricate and somewhat experimental provision for ascertaining the owner's share of a rate so as to calculate the Treasury grant for filling up the gap in the local authority's rates. The education rate is finally transferred from parish to county, to the relief of landward areas. Rating authorities can levy consolidated rates instead of separate rates for the various rate-supported services. The average rate payable by owners in counties (under s. 7 (4) of the Local Government (Scotland) Act of 1889) is abolished. County councils will no longer levy rates in police burghs, but will accept a precept from the town council for such sums as the burgh may be called upon to contribute to county services. An end is put to the previous exemption of places of public worship (where the owner receives rent and does not occupy) and burial grounds belonging to local authorities or to companies or persons selling the exclusive right to burial in lairs or trading as cemetery owners for profit.

Miscellaneous.—The usual Expiring Laws Continuance Act (c. 49) is in common form. The Chartered Associations (Protection of Names and Uniforms) Act (c. 26) enables Orders in Council to be made protecting names and designations, uniforms and badges " on the application of any association incorporated by Royal charter not being an association representative of any profession or business." The Act can thus be of service to the Boy Scouts, the Girl Guides and the Order of St. John of Jerusalem,[1] but does not apply to such bodies as the Incorporated Society

[1] See *S.R. & O.* 1927 (Nos. 1047, 1048 and 1049), pp. 119–24.

of Accountants. There is a saving for the use of uniforms and badges in stage plays, circus performances, pageants or cinematograph films. Another statute (c. 54) makes it possible for a blind person to have a wireless telegraphy listening-in licence without payment. The Petroleum Act (c. 25) substitutes " petroleum spirit " for " petroleum to which this Act applies " in the 1871 statute. " Petroleum spirit " is defined to mean such petroleum as when tested in a prescribed manner gives off an inflammable vapour at a temperature of less than 73 degrees Fahrenheit. Under the Act of 1879 the Board of Trade has to examine and stamp apparatus for testing petroleum. Once the instrument was verified, the verification lasted for ever, no matter what the wear and tear or replacement of parts. The 1926 Act requires restamping of apparatus every ten years or whenever any part is materially altered or replaced. The local authority's officer is enabled to take samples and test petroleum kept for industrial purposes as well as that kept by dealers. By-laws may be made as to the loading and carriage of petroleum spirit in ships. Certain provisions of the Explosives Act, 1875 (relating to conveyance by road, notice and investigation of accidents, etc.) are applied with modifications to petroleum spirit. Penalties and licence fees are varied.

The Parks Regulation (Amendment) Act (c. 36) applies the earlier Act of 1872 to all parks, gardens, recreation grounds, open spaces or other land controlled by the Commissioners of Works. The 1872 provisions are no longer limited to Royal parks. The Commissioners may now make such regulations as they consider necessary " for securing the proper management of the park and the preservation of order and prevention of abuses therein." The University of London Act (c. 46) follows precedent in setting up Commissioners to make statutes; the statutes are to be in general accordance with the recommendations of the Departmental Committee appointed in 1924 to consider the Final Report of the Royal Commission on University Education in London dated March 27, 1913. The Act has a special section dealing with the incorporation of colleges and schools in the university. Originally a private member's Bill, the Home Counties (Music and Dancing) Licensing Act (c. 31) applies to the area within a 20-mile radius of London certain provisions as to the grant, transfer and conditions of licences; it modernizes the law which previously depended upon the Disorderly Houses Act of 1751, and brings it into line with local arrangements already sanctioned for the counties of Middlesex and Surrey.

A brief Industrial Assurance (Juvenile Societies) Act (c. 35) alters the Act of 1923. The latter exempted juvenile societies and branches employing collectors from certain general provisions aimed at abuses to which such societies and branches were not exposed. S. 11 of the 1923 Act is rewritten so as to exempt friendly societies with both adult and juvenile membership if they employ collectors for the purpose of juvenile members only. The Workmen's Compensation Act (c. 42) makes a minor amendment of s. 11 (2) of the principal Act of 1925 in relation to reviews of weekly payments to workmen under twenty-one years of age.

Scotland.—In addition to the new provisions already mentioned affecting the Scottish Office, criminal appeals and rating, the following statutes of 1926 related particularly to Scotland. The Allotments (Scotland) Act (c. 5) enables local authorities to incur expenditure within the limits of the produce of a penny rate for providing allotments. The Prisons (Scotland) Act (c. 57) allows any discontinued prison to be sold

or otherwise disposed of as the Scottish Office (with Treasury approval) may direct. Under previous law such buildings had to be put up to auction, a course which might have prevented the Edinburgh corporation from acquiring the old Calton prison. The gradual elimination of separate burgh registers of sasines, maintained in some 65 towns in Scotland, will be secured by the Burgh Registers (Scotland) Act (c. 50), as vacancies occur in the office of keeper. The Execution of Diligence (Scotland) Act (c. 16) extends the use of registered letters for the execution of certain processes of law, gives the sheriff officer the powers of a messenger-at-arms in certain places and allows the sheriff, if satisfied that no messenger-at-arms or sheriff is reasonably available, to appoint any suitable person to execute a decree or warrant. The Act follows the suggestions of a Departmental Committee appointed in 1922 in response to complaints that, owing to the decline in the number of messengers-at-arms and sheriff officers, the enforcement of judgments of the Scottish Courts was seriously hampered especially in the north and west of Scotland and in the islands. Lastly the Heather Burning (Scotland) Act (c. 30), based on the recommendations of a Committee presided over by the Duke of Buccleugh, allows heather-burning to begin in October (a month earlier than before) and to continue till mid-April or in the high deer-forests till mid-May. The proprietor or, with his consent, the tenant may burn heather during the last half of April ; if the consent is refused, the tenant may apply to the Board of Agriculture for Scotland for the necessary authority. If the tenant is precluded by his lease or otherwise from burning heather "in such manner or to such extent as seems to him necessary or expedient," the Board may conduct an inquiry, consider representations and make an order regulating muirburn on the land. The Act may assist sheep-grazing without injuring shooting interests ; if so, it will be acceptable alike to landlord and tenant.

Church Assembly Measures.—Eight Church Assembly Measures received the Royal Assent in 1926 on resolutions of both Houses of Parliament under the "enabling" Act (9 & 10 Geo. V, c. 76). These cannot be ignored by a student of the English statute-book, for they freely repeal and amend Acts of Parliament. The First Fruits and Tenths Measure (No. 5 of 1926) for instance sweeps away eight whole Acts, as well as parts of others. In 1704 Queen Anne (with the consent of Parliament) transferred to the newly incorporated Governors of Queen Anne's Bounty the annual income anciently derived from first-fruits and tenths on sees, dignities and benefices. Her purpose—the augmentation of livings insufficiently endowed—is now promoted in other ways by Queen Anne's Bounty and the Ecclesiastical Commissioners. The collection of these ancient impositions was a harassing duty ; their incidence was haphazard. The new Measure sensibly extinguishes the liability ; in the few awkward cases which lay outside this extinguishment redemption can be made by voluntary arrangement. The Clergy Pensions Measure (No. 6) at last establishes a system of pensions for bishops, priests and deacons who satisfy certain conditions. A Church of England Pensions Board is instituted to control and administer the system and *inter alia* to decide questions and appeals. The Measure specifies the rates of contribution by compulsory contributors and deals with the financing of the Clergy Pensions Fund. It does not apply to diocesan bishops or to archbishops ; for these the Episcopal Pensions Measure (No. 7) makes provision. The Benefices (Ecclesiastical Duties) Measure (No. 8) sets up machinery

for commissions of inquiry, reports to and action by bishops in cases where the ecclesiastical duties of a benefice are inadequately performed either by reason of the negligence of the incumbent or without negligence on his part. "Negligence" includes wilful default by an incumbent in performing the ecclesiastical duties of his benefice. The phrase "ecclesiastical duties" does not refer to questions of doctrine or ritual, but includes the observance of the promises made by clerks in Holy Orders at their ordination, duties which the incumbent must perform under the law or under the Rules for the Representation of the Laity, and "an obligation binding the incumbent to manifest in his acts, conduct and course of life due respect for his sacred office and a due solicitude for the moral and spiritual welfare of his parishioners." The incumbent has a right of appeal to the archbishop where no negligence is alleged, and in other cases to a Court consisting of the archbishop and a judge of the Supreme Court. The Measure also deals with the consequences of inhibition, the occupation of the parsonage house, the appointment and stipends of curates. The Ecclesiastical Commissioners Measure (No. 4) empowers the Commissioners to apply their common fund to the augmentation of archdeaconries, to aiding the endowment of new bishoprics, to paying bishops' costs in legal proceedings, and to the maintenance of Lambeth Palace and the repair of other episcopal residences. The remaining Measures of 1926 were local in character. Lord Muir Mackenzie has suggested that some such distinction (of classification and procedure) may have to be applied to Church Assembly Measures as has been evolved in the separate treatment of public and local Acts of Parliament. Lord Phillimore, on the other hand, has pointed out that in the past century many Acts dealing with some local church matter have been classified as public and not local.

Departmental Legislation. — The exercise of the legislative powers delegated to the Privy Council and various ministries and departments was, as usual, of a most varied nature. In addition to the Emergency Powers Act Regulations and Orders, already cited as occasioned by the general strike, there were new codes of Army Act Rules of Procedure and Workmen's Compensation Rules. To name some of the subjects of delegated legislation at random, students of the operation of the betting duty, milk and dairies supervision, land charges, education, rating, notification of infectious diseases or the system of contributory pensions, health or unemployment insurance will not need to be reminded that the Acts of Parliament tell only half the story. The other half is told in the annual volumes of *Statutory Rules and Orders*. The number of such Rules and Orders in 1926 was 1,742, an increase of 281 over the total for the previous year.

2. JERSEY.

[*Contributed by* E. T. Nicolle, Esq., *Vicomte of Jersey*.]

Patrimonial Estates.—The only Act of interest passed in 1926 is the Act of States of February 1, confirmed by Order in Council dated April 30, referring to "Héritages propres" or patrimonial estates.

By art. i power is given to any person capable of making a will (whether leaving children or other descendants or not) to dispose by will of his or her real estate even though such estate be patrimonial property (*propres*).

By art. ii the replacement of patrimonial estate sold can no longer be claimed by heirs.

3. NORTHERN IRELAND.

[*Contributed by* SIR ARTHUR S. QUEKETT.]

The second session of the second Parliament of Northern Ireland was opened on March 9 and prorogued on November 30, 1926. Thirty-one public general Acts were passed into law; there were no local Acts. The more important measures of the session dealt with matters of administration rather than with social reform or social services.

Administrative Provisions.—An outstanding point in the settlement of the Constitution of Northern Ireland was dealt with incidentally by the agreement which was entered into on December 3, 1925, between the British Government, the Government of the Irish Free State and the Government of Northern Ireland in relation to the boundary between the two latter countries. Art. 5 of that agreement provided that the legislative and executive powers with respect to railways, fisheries and contagious diseases of animals in Northern Ireland, which had been originally destined for the Council of Ireland, should become powers of the Parliament and Government of Northern Ireland. By virtue of the Ireland (Confirmation of Agreement) Act, 1925,[1] this transfer of powers took effect as from April 1, 1926, upon which date the public services in connexion with the administration of Council of Ireland matters became "Irish" (*i.e.* transferred) services for the purposes of the Government of Ireland Act, 1920. Accordingly c. 4 makes such provision as is necessary in order to enable those public services to be administered according to the same principles as are applicable to services previously transferred to the Government of Northern Ireland. The railway and fishery services are assigned to the Ministry of Commerce, and the service in connexion with contagious diseases of animals to the Ministry of Agriculture. The existing Parliamentary grants in aid are to be voted to each Ministry concerned for distribution, and the issue of Government loans and financial supervision is placed within the province of the Ministry of Finance. The Act also makes various formal adaptations of statute law, in a manner similar to that which had been adopted, as respects services previously transferred, in the Orders made by His Majesty in Council under s. 69 of the Government of Ireland Act.[2]

Unemployment Insurance Agreement.—This Act (c. 1) confirms and gives effect to an agreement made between the British Treasury and the Ministry of Finance for Northern Ireland with a view to assimilating the burdens on the Exchequer of the United Kingdom and on the Exchequer of Northern Ireland, per head of populations, in respect of unemployment insurance. Shortly, the agreement enabled the two unemployment funds to be annually compared, in order that the fund which was ascertained to be in the less favourable financial position should receive an "equalisation" payment which would bring the two funds into a state of parity on the basis of the insured populations of the two countries. If the Exchequer of the country to which the poor fund belongs pays into that fund a grant equivalent to the equalisation payment, then the Exchequer of the other country is to make to the first-mentioned Exchequer a contribution on the following basis:

The contribution from one Exchequer to the other in respect of a financial year shall be a sum equal to three-fourths of such sum as may be required

[1] 15 & 16 Geo. V, c. 77. [2] 10 & 11 Geo. V, c. 67.

to equalize per head of the population of the respective countries the payments from the Exchequers of the respective countries into their respective unemployment funds in respect of that year. . . .

The agreement is to remain in force until March 31, 1930. A parallel statute was passed through the Parliament of Great Britain.[1]

This agreement rendered it necessary that the policy of parallel legislation in unemployment insurance matters, as between Great Britain and Northern Ireland, should be continued. Thus, later in the session, various temporary provisions of the Unemployment Insurance Acts were by c. 18 continued in their operation, as in Great Britain.

Pensions (Increase).—The Pensions (Increase) Act, 1920, provided for the increase of certain pre-war pensions of amounts less than £200 a year; and these pensions, in so far as they were payable to pensioners of the Royal Irish Constabulary or Civil Service in Ireland, were charged by the Government of Ireland Act upon the Consolidated Fund of the United Kingdom, but a proportionate sum was ultimately to be made good out of Northern Ireland revenue by means of deductions from the Northern Ireland residuary share of reserved taxes. By the Pensions (Increase) Act, 1924, the Imperial Parliament granted further increases in the amount of these pensions, but for reasons of constitutional propriety did not make the further increases chargeable to the Northern Ireland residuary share. An agreement was, however, subsequently arrived at by the Ministry of Finance for Northern Ireland and the Treasury of the United Kingdom, that the amount of the further increases should be added to the amounts which, under the Government of Ireland Act, were deductible from the Northern Ireland residuary share. This agreement was confirmed by Act of the Parliament of Northern Ireland (s. 1 of c. 10) with effect as from the date from which the further increases were made payable under the Westminster statute.

S. 2 of c. 10 applied the principles of the British Act of 1924 to cases where pensions were payable out of funds under the control of the Government of Northern Ireland, and s. 3 followed that Act by providing that residence by the pensioner in the British Islands should cease to be a statutory condition for the increase of the pension.

Emergency Powers.—Upon the outbreak of the general strike in Great Britain, it became at once apparent that, although Northern Ireland was not involved in the strike, there was a possibility that the community might soon be deprived of various essentials of life. The Minister of Commerce, therefore, introduced in the House of Commons on May 5 a Bill to make provision for the protection of the community in such cases of emergency, and the Bill, after passing immediately through both Houses, became law on the following day. The Act (c. 8) enables the Governor of Northern Ireland to proclaim a "state of emergency" and, by Order in Council, to make regulations for securing the essentials of life, in cases where action has been taken or is likely to be taken (whether in Northern Ireland or elsewhere) on such a scale as to be calculated to deprive the community in Northern Ireland, or any substantial portion of that community, of those essentials. The Statute is a permanent one, similar to the Emergency Powers Act, 1920 (which was not made applicable to Ireland),[2] but it departs from that Act by omitting any provision for making the continuation of the emergency

[1] 16 Geo. V, c. 4.

[2] 10 & 11 Geo. V, c. 55.

regulations depend upon the bringing together of Parliament at intervals not longer than one month. A Proclamation under the Act was issued by the Lords Justices for the government of Northern Ireland on the day on which the Act received the Royal Assent and regulations were made at the same time, enabling the Government to take possession of food, forage, fuel, etc.; to regulate the supply and distribution of food, coal and coal products, gas, water and electricity; and to take drastic steps to prevent injury to property. As the strike was of short duration, it did not become necessary for an extensive use to be made of these powers.

Jury Laws.—The main purpose of this amending Act (c. 15) is to give effect to recommendations made by a Departmental Committee which the Minister of Home Affairs had appointed, under the Chairmanship of Lord Justice Andrews, to "inquire into the present Jury System in Northern Ireland, including the qualifications required for Jurors, common and special; the procedure for the annual revision of the Jurors Lists and the remuneration to the persons concerned; the statutory exemptions for cause granted by the Court; the preparation of the panel by the Sheriff; the travelling and other expenses of Jurors; and any other matters relevant to the summoning of Jurors." The three opening sections of the Act set out comprehensively the new qualifications for Common and Special Jurors and the heads of exemption from jury service; in the case of Common Jurors, the freehold and leasehold qualifications are abolished, and the qualification in respect of rated property is simplified; in the case of Special Jurors the qualification in respect of rated property is altered, and the list is to include certain persons who are qualified for jury service as directors or managers of companies or members of harbour authorities; the general exemption previously enjoyed in Ireland by all civil servants and officers of local authorities [1] is restricted to the case of officers whose duties are of such a nature as to render it undesirable that they should engage in jury service. The Act abolishes Grand Juries at Courts of Quarter Sessions, but not at Assizes. The Act also contains various improvements of procedure in connexion with the selection of names from the jurors books, and the preparation of jurors lists by officers of local authorities. Provision is made for enabling the jury panel to be divided into sections, in order that the jurors in the various sections may be released from attendance on days when they are not required. The powers of a judge in relation to juries are specifically declared to include a power to exclude jurors from service after prolonged or specially important or responsible trials. Persons seeking to be excused from jury service on medical grounds are required to furnish a medical certificate in a form scheduled to the Act, and devised to elicit the fullest possible particulars as to the nature of illness. At the time of the introduction of the Bill for this measure, it was recognized that some of its provisions (such as those giving powers to judges of the Supreme Court in connexion with the attendance of jurors) might possibly be regarded as Supreme Court matters, and thus outside the powers of the Parliament of Northern Ireland, by reason of s. 47 of the Government of Ireland Act, 1920, which reserved to the Parliament of the United Kingdom "all matters relating to the Supreme Court." As the result of representations made on this point to the Imperial Government a clause was included in the Supreme Court of Judicature of Northern Ireland Bill (U.K.) of the same year to the following effect:

[1] 34 & 35 Vict., c. 65 (repealed by the new Act).

The reservation by section forty-seven of the Government of Ireland Act, 1920, of matters relating to the Supreme Court of Northern Ireland shall not be construed as precluding the Parliament of Northern Ireland from having power, subject to the other provisions of that Act, to make laws in respect of the following matters in relation to jurors and juries in that Court, namely, the preparation and revision of jury lists, and the qualification, selection, summoning and attendance of jurors.

As there was no prospect that this provision would become law until some time after the Northern Ireland statute had received the Royal Assent, the difficulty was got over by empowering the Governor of Northern Ireland in Council to bring the various enactments of the Northern Ireland statute into operation on different "appointed days." By this procedure all such provisions of the Act as were fully within the powers of the Parliament of Northern Ireland were put into operation on June 15, 1926, shortly after its passing; whilst the fixing of "appointed days" for the provisions concerning which a doubt existed was deferred pending the passing into law at Westminster of the Bill which contained the validating Clause above-mentioned.[1] The latter became law on December 15, 1926.

Motor Vehicles (Traffic and Regulation).—The Bill for this Act (c. 31) was tabled in the House of Commons before the Summer Recess and debated in the Autumn Session, when the proposals which it contained were keenly discussed in Parliament and attracted a good deal of attention, both from the motoring associations and the general public. The Act makes provision, in the first place, for a stricter control of general motor traffic on public roads, and, secondly, for ensuring that motor vehicles used for the purpose of carrying passengers for public hire are kept in a safe and efficient condition. The first of these two objects is dealt with in Part I, whilst Part II provides for the second object by setting up a Government authority (the Ministry of Home Affairs) for the licensing and control throughout Northern Ireland of public service vehicles and their drivers and conductors.

Part I of the Act is, in the main, a re-enactment, with amendments, of the provisions of the Motor Car Act, 1903, which is repealed by the Act as respects Northern Ireland. The amendments were based upon recommendations made to the Minister of Home Affairs by his Roads Advisory Committee, and they are concerned with the following points:

1. The Committee reported that the penal provisions of the Act of 1903 had proved insufficient to suppress the more serious offences occurring in connexion with the driving of motor-cars on public roads. The Act of 1903 provided a maximum penalty for certain offences; whilst the new Act introduces a minimum as well as a maximum penalty for the more serious offences, namely—reckless, wanton or dangerous driving; drunkenness while in charge of a motor-car; driving while under suspension, or penal disqualification; and driving a heavy omnibus or commercial lorry at a speed in excess of the limit prescribed by the statutory Regulations. The offence of drunkenness while in charge of a motor-car was not specifically provided for by the Act of 1903, but such a provision appears in s. 2 of the new Act, following the precedent set in Great Britain by s. 40 of the Criminal Justice Act, 1925.[2]

2. The general speed limit of 20 miles an hour is abolished.

[1] 16 & 17 Geo. V, c. 44.

[2] 15 & 16, Geo. V, c. 86.

3. An applicant for a driver's licence is required to make a declaration as to his physical fitness to drive.

4. The general age limit for drivers is kept at 17 years, but the age limit for drivers of motor-cycles is raised from 14 to 15 years, and the age limit for the drivers of heavy commercial vehicles is raised to 21 years.

5. The Court before which a person is convicted of any motoring offence of a grave character is placed under an obligation to suspend the driver's licence for a minimum period and to endorse particulars of the conviction thereon.

6. Courts are given powers of suspension and disqualification, in cases where they convict for such criminal offences in connexion with the driving of motor-cars as are punishable under the general law, *e.g.* manslaughter, etc.

S. 8 in Part I of the Act enables regulations to be made for specifying the methods of lighting which are to be used on public roads, in the case of horse-drawn vehicles and ordinary cycles. S. 9 strengthens the powers of County Councils to exclude persons from public roads, and to prevent obstruction, on occasions when motor-races are being held under the authority of the Motor Vehicle Races Act (Northern Ireland), 1922.[1]

Part II of the Act abolishes the existing powers possessed by the local authorities of urban areas in connexion with the licensing of hackney carriages and omnibuses, and the drivers and conductors of such vehicles. It provides that:

> the expression "public service vehicle" means a mechanically propelled vehicle (other than a tramcar) used in standing or plying for hire, or used to carry passengers for hire, but does not include a vehicle occasionally let for private hire and being of such class as may be prescribed.

Part II establishes, in relation to public service vehicles, a central system of testing and licensing to be carried out by the Royal Ulster Constabulary under the direction of the Ministry of Home Affairs, and similar to the system which is in operation in the London Metropolitan area under the Metropolitan Public Carriage Act, 1869. This arrangement applies not only in the urban areas but also in the rural areas, where, under the law as it previously stood, there was no effective local licensing and regulating authority. The Act largely supersedes the Charabanc Regulation Act (Northern Ireland), 1924.[2] S. 11 contains the special feature that the owner of a public service vehicle must, before he can obtain a licence for the vehicle, satisfy the Ministry of Home Affairs that he will be in a position to meet claims which may be made against him in respect of damage to persons or to property caused by the use of the vehicle upon the roads. S. 12 fixes the minimum age for drivers of public service vehicles at 21 years, and, for their conductors, at 18 years; s. 14 enables the police and other authorized officers to ensure the safety of passengers by stopping and examining public service vehicles whilst in use upon the roads; s. 18 confers new powers upon the local authorities of urban areas for making by-laws as to hackney carriage and omnibus traffic (as distinct from licensing), including power to fix charges for the use of stands and starting-places, and to prescribe particular routes and "one-way" traffic.

[1] *Journal of Comparative Legislation*, Third Series, vol. vi, pt. ii, p. 20.
[2] *Ibid.*, vol. viii, pt. ii, p. 15.

Amongst the supplemental provisions contained in Part III of the Act, the following may be noted:

S. 20 provides that the fees taken, and fines recovered, under the Act are to be paid into the Road Fund (Northern Ireland), and that a part of the administrative expenses of controlling motor traffic shall be charged upon that Fund;

S. 21 (3) provides that a Court of Quarter Sessions, when dealing with an appeal from a Court of Summary Jurisdiction in the case of a motoring offence, is to be constituted of the County Court Judge or Recorder sitting alone;

S. 21 (4) gives to the police a right of appeal against orders (whether for conviction or dismissal) made by Courts of Summary Jurisdiction in the case of motoring offences.

Ancient Monuments.—C. 12 reproduces, in an amended form, the previous enactments for the protection of ancient monuments, and extends the powers which may be exercised for that purpose. The powers are made exercisable, in general, by the Ministry of Finance as successors to the Irish Commissioners of Public Works. The Ministry has the assistance of an Ancient Monuments Advisory Committee, consisting of: The Deputy Keeper of the Records of Northern Ireland; Members appointed by the Minister of Finance; Representatives of the following bodies: Ministry of Education for Northern Ireland; Queen's University, Belfast; Royal Irish Academy; Royal Institute of British Architects; Royal Society of Antiquaries of Ireland; Belfast Natural History and Philosophical Society; Belfast Naturalists Field Club.

The powers of County Councils, with respect to ancient monuments of which they had become guardians before the passing of the Act (June 1, 1926), are preserved.

Part III of the Act enables ancient monuments to be "listed" and Preservation Orders to be made, and its provisions are somewhat similar to those of the Ancient Monuments Consolidation and Amendment Act, 1913,[1] a statute which was not made applicable to Ireland.

Part IV contains a new provision—s. 18—which aims at facilitating the preservation for the public benefit of archæological finds. It requires the finder of any archæological object to report the finding and character of the object, and the circumstances of the finding, to the Ancient Monuments Advisory Committee within fourteen days of the finding; and it prescribes a penalty (a fine not exceeding £5 or imprisonment for a term not exceeding one month) on summary conviction for failure to comply with this requirement. The expression "archæological object" is defined as meaning "any object, being a chattel whether in a manufactured or unmanufactured state, which, by reason of its archæological or historic interest, has a value substantially greater than its intrinsic value or the value of the materials of which it is composed."

Housing.—The housing subsidy, which the Ministry of Home Affairs was enabled to grant by s. 1 of the Housing Act of 1923, was extended by cc. 2 and 23, the effect of which was to enable houses completed before April 1, 1928, to rank for the subsidy, if otherwise qualified.

Agriculture and Rural Industries.—The Horse Breeding Act, c. 30, was passed at the instance of the Minister of Agriculture, and it substitutes for the Horse Breeding Act of 1918 a more stringent set of provisions as to the licensing of stallions, following those which had already been

[1] 3 & 4 Geo. V, c. 32.

adopted for Northern Ireland, in the case of other live stock, by the Live Stock Breeding Act (Northern Ireland), 1922.[1]

C. 28 extends the operation of the Marketing of Eggs Act (Northern Ireland), 1924, which had been passed in order to secure that Ulster eggs placed on the market should conform to the highest standards of quality and condition. Amongst other things, the amending Act gives to the Ministry of Agriculture a discretion as to the issue of licences to wholesale dealers in eggs, the effect of the previous Act being to make the issue of the licences mandatory, upon the giving of an undertaking by applicants to comply with the conditions of licensing. The new Act makes it an offence to sell unclean, stained or stale eggs, and requires that the purchase of hen eggs by traders for re-sale shall be by weight. C. 28 also authorizes an official inspection of egg cases in transit.

Protection of Animals.—C. 29 extends to Northern Ireland various statutes for the protection of animals which were passed for Great Britain since the Government of Ireland Act came into force, namely, the Performing Animals Regulation Act, 1925; Protection of Birds Act, 1925; Captive Birds Shooting (Prohibition) Act, 1921; and Protection of Animals Act (1911) Amendment Act, 1921.

Loans Guarantee.—Cc. 3 and 19 are additions to the series of enactments which extend the authority given to the Ministry of Finance, by an Act of 1922,[2] to guarantee the repayment of loans intended to be applied for the carrying out of capital undertakings calculated to promote employment in Northern Ireland. The extending Acts increase the maximum limit on the capital amount of the loans, whose repayment may be so guaranteed, up to £9,000,000 and extend, until March 31, 1928, the time within which the power to give guarantees may be exercised. C. 3 also gives to the Ministry of Finance a new power—to make a contribution towards the interest on guaranteed loans, if they are proposed to be raised for expenditure in Northern Ireland; the contribution is limited by the Act to a maximum of one-tenth of the interest payable during the currency of the loan.

Mines (Working Rights).—The existing and contingent mining operations in Northern Ireland appeared to the Government to be of sufficient importance to justify the introduction of a measure dealing with working facilities and support. C. 9 is, accordingly, based upon Part I of the Mines Working (Facilities and Support) Act, 1923, which (as pointed out in the *Review of Legislation* for that year)[3] resulted from the labours of the Haldane Committee on coal conservation and the Leslie Scott Committee on acquisition and valuation of land. The Northern Ireland statute empowers the Ministry of Commerce to make orders granting rights to work minerals, and ancillary rights for facilitating the working of minerals; and it also enables that Ministry to impose restrictions on the working of minerals, where the land which will be affected is required for the support of other lands. In the case of either a grant of rights or an order imposing restrictions, the question of compensation stands referred to a tribunal consisting of three persons appointed by the Minister of Commerce—one being a practising barrister of ten years' standing, one a member of the panel of official arbitrators, and the third an officer of the Ministry. An appeal on the amount of compensation lies to the

[1] *Journal of Comparative Legislation*, Third Series, vol. vi, pt. ii, p. 20.
[2] *Ibid.*, p. 19.
[3] *Ibid.*, Third Series, vol. vii, pt. ii, p. 11.

County Court Judge sitting with an expert assessor. It will be seen that the machinery for dealing with the applications under the Northern Ireland Act differs from that which was set up for Great Britain in 1923. In Northern Ireland, applications are dealt with by the Ministry of Commerce, except so far as the question of compensation arises; whereas, in Great Britain, applications must as a general rule be referred to the Railway and Canal Commission.

Industrial Assurance.—C. 21 amends s. 11 of the Industrial Assurance Act (Northern Ireland), 1924, by which certain Juvenile Friendly Societies can be exempted from that Act. The provisions in question were found in the course of administration to be too rigid, and c. 21 widens the exemption in favour of Juvenile Societies in a manner somewhat similar to that which has been adopted in Great Britain, where a similar difficulty arose under the corresponding statute.[1] The majority of such Societies operating in Northern Ireland are related to Societies having their headquarters in Great Britain.

Teachers' Superannuation.—C. 16 amalgamates the various funds out of which pensions to teachers of various classes were previously payable, and sets up a new fund known as the "Teachers' Superannuation Fund." The Act provides that the amount of any estimated deficit in the new fund shall be annually met by moneys voted by Parliament. It makes various other amendments of the law as regards the superannuation of teachers; and, in particular, it enables reciprocal arrangements, as to the pensionable service of teachers, to be made with Great Britain and other parts of His Majesty's dominions. The Act applies to teachers in Public Elementary Schools and to any other teachers who are within any superannuation scheme under the Education Act (Northern Ireland), 1923; it includes also teachers employed by the Ministry of Education in training colleges, teachers in agricultural subjects employed by the Ministry of Agriculture, and whole time officers employed by a managing authority in a secretarial or clerical capacity in connexion with a school or educational institution.

Local Government.—C. 6 brings up to date the procedure according to which charters of incorporation may be obtained from the Crown under the Municipal Corporations (Ireland) Act, 1840, by the inhabitants of urban districts. The Act empowers the Governor, in the Privy Council of Northern Ireland, to grant such charters; and it contains provisions under which preliminary inquiries into petitions for charters may be held by the Ministry of Home Affairs. The Urban District of Bangor (co. Down) has since received a charter under the Act.

C. 26 was passed in order to remove legal doubts as to the powers of local authorities, when calculating the payments to be made to employees to whom leave of absence was granted for service in the late War, to include in those payments sums in respect of bonus and increments granted to the staff in general during the absence of those employees on war service.

Firearms.—C. 17 gives to Chief Officers of Police power to grant permits for the possession (as distinct from the carrying) of firearms and ammunition, and to order the destruction of certain firearms. It also provides for appeals from the Police to the Minister of Home Affairs in connexion with firearms certificates and permits, both under the Act of 1920 and under the new Act.

[1] See 13 & 14 Geo. V, c. 8; 16 & 17 Geo. V, c. 35.

Queen's University of Belfast.—C. 13 makes an alteration in the constitution of the Senate of the Queen's University. The Act may perhaps be of some general interest, because it deals with one of the bodies which enjoy constitutional safeguards under the Government of Ireland Act, 1920. S. 64 of that Act provides that no law made by the Parliament of Northern Ireland shall have effect so as to alter the constitution of the Queen's University of Belfast, unless and until the proposed alteration is approved by a majority of those present and voting at a meeting of each of the following bodies convened for the purpose, namely: the Senate, and the Academic Council, and the Convocation of the University. The approval of those bodies to the alteration is recited in a preamble to the Act which accomplishes it.

Financial Provisions.—Following the financial policy of Great Britain, the Government introduced an "Economy Bill," which became law on June 1, 1926 (c. 11). The measure is entitled the Economy (Exchequer Relief) Act because its provisions do not go outside one particular form of economy; it reduces the charges borne by the Exchequer of Northern Ireland in respect of National Health Insurance, Unemployment Insurance, the Petty Sessions Clerks Fund, and the Road Fund. The relief effected under the first two heads is parallel to that which was afforded to the United Kingdom Exchequer by the Economy (Miscellaneous Provisions) Act, 1926.[1]

C. 24 deals with Stamp Duty. S. 1 exempts from stamp duty certain instruments granted under the Great Seal of Northern Ireland for official purposes, *e.g.* Letters Patent appointing Lords Justices to act during the absence of the Governor, or conveying Crown Copyrights in Northern Ireland to the King's Printer. S. 2 re-enacts, with reference to the Inn of Court and Bar of Northern Ireland, the "admission duties" applicable to the King's Inns, Dublin, and the Irish Bar. S. 3 provides for the payment of the proceeds of these admission duties (in whole or in part) to the Inn of Court of Northern Ireland for the purposes of legal education. It may be noted that the last-mentioned section recognizes the existence of the Inn of Court as a voluntary society—similar to the Inns of Court in London—by reciting that—

> a society consisting of the Judges of the Supreme Court of Judicature of Northern Ireland and the members of the Bar practising in the courts of Northern Ireland, and known as the Society of the Inn of Court of Northern Ireland . . . has been formed for the purpose (amongst other purposes) of regulating admission to the Bar and providing for the legal education of students in Northern Ireland.

C. 27 contains a series of provisions relating to the Exchequer and finance in order to meet points which had arisen during the course of administration. S. 2 of the Act consolidated various enactments as to Government Loans, which had been passed from time to time according as financial powers were transferred to the Ministry of Finance from the United Kingdom Government, or obtained by that Ministry from the parliament of Northern Ireland. S. 4 reproduces a provision of the Exchequer and Audit Departments Act, 1866,[2] under which the Comptroller and Auditor-General is allowed to pass unstamped vouchers.

[1] 16 & 17 Geo. V, c. 9.

[2] 29 & 30 Vict., c. 39.

4. IRISH FREE STATE (SAORSTÁT EIREANN.)

[*Contributed by the* HON. MR. JUSTICE HANNA, *Judge of the High Court.*]

During 1926 there were 40 Acts passed by the Oireachtas of the Saorstát Eireann.

Constitutional.—There were only three Acts of a quasi-constitutional character.

The Damage to Property (Compensation Amendment) Act (No. 19) may be dealt with under this head, as it was passed in pursuance of the agreement made between the British Government and the Government of the Saorstát on December 3, 1925, by way of amendment of the Treaty of December 6, 1921. The Amending Agreement was confirmed by Act (No. 40) 1925.[1] By Arts. 2, 3 and 4 of the amending Agreement the Saorstát was released from liability for payment of a proportionate share of the public debt of the United Kingdom imposed under Art. 5 of the treaty of December 6, 1921, and as a consideration therefor assumed a liability undertaken by the British Government in respect of malicious damage done in the Saorstát since January 21, 1919, and agreed to indemnify the British Government against any moneys already paid by them in respect thereof. The Saorstát also agreed to increase by 10 per cent. the measure of compensation under the Damage to Property Act, 1923, in respect of malicious damage done to property in the Saorstát from July 11, 1921, until May 12, 1923, and provide for the payment of such additional compensation by the issue of 5 per cent. compensation stock or bonds. The Act under consideration (No. 19) was legislation promoted to carry these provisions into effect. S. 2 authorized the Minister of Finance to pay to every person entitled to a decree for compensation within the period referred to a sum equal to one-tenth of the amount of the decreed compensation, and in addition thereto. Under s. 3 (2) this increment is not to be subject to any rebuilding or reinstatement condition. If the amount of the increment is over £50 it is to be payable by compensation stock issued under the principal Act.

At the outbreak of the English coal strike in May 1926 the Oireachtas conferred on the Executive Council special powers for the protection of the community and for ensuring the due supply and distribution of the essentials of life during the national emergency. This was contained in the Protection of the Community (Special Powers) Act (No. 10). Under s. 1 the Executive Council has power by proclamation to declare a state of national emergency, the proclamation to remain in force for one month only, but might be continued from month to month. By s. 2, while the proclamation is in force, the Executive Council may make regulations with reference to the essentials of life, such as food, fuel or other necessaries, controlling supply thereof and regulating prices, such regulations to be laid on the table of each House of the Oireachtas and either House may within 21 days annul such regulations.

The Amendment of Charters Act (No. 6) is a short and important Act to provide for the adaptation to the circumstances of the Saorstát of charters which have the force of law and to apply to chartered bodies the enactments in relation to statutory bodies. This Act became necessary by reason of the fact that under s. 7 of the Adaptation of Enactments Act (No. 2), 1922, and s. 9 of the Ministers and Secretaries Act (No. 16),

[1] See *Journal of Comparative Legislation*, Third Series, vol. ix, pt. ii, p. 35.

1924, reference was made to "statutory Boards and Commissioners or other statutory bodies" already existing in the Saorstát. It became evident that these terms did not include or cover bodies of commissioners or other bodies governed wholly by charter, or partly by charter and partly by statute, of which there were several in the Saorstát. This short Act was passed to remedy the omission and include within the scope of the two mentioned Acts all chartered boards.

Finance.—Under the Finance Act (No. 35) the income-tax in the Saorstát still remains at 4*s.* in the £. S. 4 contains an important explanatory provision as to the exact meaning of and effect to be given to s. 12 of the Saorstát Finance Act of 1923, already referred to in the summary of legislation for that year.[1] It requires close comparison with the provisions of s. 27 of the British Finance Act of 1920, which relates to relief in the United Kingdom from Dominion Income-tax. It is now clear, as previously indicated, that the Saorstát gives no relief to its residents in respect of income-tax paid in any Dominion and confines such benefit to British tax paid in Great Britain or in Northern Ireland. The Act contains some variations of the import duties, such as the increase of the duty on wines (s. 10), exemptions on certain soap substitutes (s. 16), and on medicinal articles (s. 17).

By an Act of the previous year (No. 28), 1925, referred to previously in this *Journal*,[2] all outdoor sports and games not involving the use of horses, dogs or mechanically controlled vehicles were exempt from entertainments tax. To the exemptions from this tax has been added by s. 18 of this Act the very popular Irish sport of greyhound coursing.

The legalization of betting and bookmaking has given rise to the necessary provision of excise duty on a bookmaker's licence of £10 a year (s. 22) and on registered bookmaking premises of £20 a year, and a duty on bets of 2½ per cent. on cash betting at a race meeting and 5 per cent. in every other case (s. 24).

The provision of most importance under this Finance Act is that, under s. 2, confirming the agreement entered into between the British Government and the Government of the Saorstát in respect of double tax on income. This agreement was entered into on April 14, 1926, by the Chancellor of the Exchequer on behalf of the British Government and Mr. Blyth, the Saorstát Minister of Finance. The agreement is subject (cl. 21) to confirmation by the respective parliaments and is to have effect only so long as legislation confirming the agreement is in force in both countries. The British Parliament confirmed it by the Finance Act, 1926 (16 & 17 Geo. V, c. 22, s. 23), and the Saorstát by s. 2 of this Act. These two sections, though not identical in terms, are to the same reciprocal effect. The object of the agreement is clearly set out in the recital:

> The British Government and Government of the Irish Free State being desirous of concluding an agreement for the reciprocal exemption from income-tax and super-tax of such persons as are resident in Great Britain (including Northern Ireland) or in the Irish Free State, but are not resident in both countries, and for the reciprocal granting of relief from double taxation in respect of income-tax (including super-tax) to persons who are resident in both countries . . . have agreed as follows.

[1] *Journal of Comparative Legislation*, Third Series, vol. viii, pt. ii, p. 23.
[2] *Ibid.*, vol. ix, pt. ii, p. 35.

Briefly, the main provisions are: (1) a person resident in the Saorstát any year and not resident in Great Britain or Northern Ireland is exempt from British income-tax in respect of property or profits or gains arising in Great Britain or Northern Ireland, but is liable in respect of such to Saorstát tax. (2) A person resident in Great Britain or Northern Ireland for any year and not resident in the Saorstát is exempt from Saorstát tax in respect of property profits or gains arising in the Saorstát, but is liable in respect of the same to British tax. (3) A person residing in Great Britain or Northern Ireland and in the Saorstát shall be allowed relief from British income-tax of one-half of the British rate, or of the Saorstát rate, whichever is the lower, and shall be allowed relief from the Saorstát tax of a corresponding reduction. It is unnecessary and impossible in this review to go further into the elaborate details of this agreement and the necessary modification of the Income-tax Acts set out in Part II of the schedule.

The Appropriation Act (No. 28) appropriates supply grants and appropriations in aid for the various services, amounting to £26,535,000, as against £28,991,000 of the previous year, a reduction approximately of £2,500,000.

The question of a separate coinage for the Saorstát has been discussed for some years. It has culminated, in a limited form, in the Coinage Act (No. 14), which authorizes the provision and issue of a silver, nickel and bronze token coinage. The silver coinage is to be legal tender to the amount of 40*s*., the nickel coinage to 5*s*., and the bronze to 1*s*. (s. 5). By s. 6 the Executive Council can fix the date after which British silver and bronze coins shall not be legal tender; while s. 7 provides that contracts involving the payment of money are to be executed according to the coinage current and legal tender under the British Coinage Acts, 1870–1920 (so far as unrepealed by this Act), or under this Act unless in accordance with the contract, the payment is to be made in some coinage other than that of the Saorstát. The Coinage Offences Act, 1861, is made applicable to the new coinage by s. 8. The denominations of the new coins as set out in the schedule of the Act are the same as those of the English coinage and the standard weights for each are the same as those for similar coins in the Coinage Act, 1870 (33 & 34 Vict., c. 10), for British coins.

The Tariff Commission Act (No. 40) has established a new tribunal called the Tariff Commission. This is a permanent Board consisting of three members, nominated, respectively, by the Ministers of Finance, Industry and Agriculture, each to hold office for two years and to be eligible for re-election. It has some of the recognized features of a Court. It can issue a summons to compel the attendance of any person before it, and for the production of books and documents. It has power to examine witnesses on oath and to certify a defaulting witness to the High Court to be dealt with as guilty of contempt of Court (s. 5). The main object of the Board is made clear in s. 2, whereby any persons, substantially representing those engaged or proposing to engage in production in the Saorstát of any goods of any class, may apply to the Minister of Finance for the imposition, modification, abolition or renewal of a customs duty on goods of that class. Such application may be referred by the Minister to this tribunal for a report on such of the statutory grounds set out in the schedule to the Act as may be applicable to the case, being in general language, the economic aspects of the question of the protection of the

particular industry. The Commission hear the opposition of any persons interested.

Courts of Justice.—Some important Acts dealing with the Courts and their jurisdiction have been passed during the year. The Courts of Justice Act (No. 1) was passed to make a further provision for the constitution of the Central Criminal Court and to extend its jurisdiction and transfer to it the powers of the Court of the High Court Circuit. Under the principal Act, the Courts of Justice Act (No. 10), 1925, s. 3, it was contemplated that in the course of time a tribunal analogous to the former Assize Court should be set up consisting of judges of the High Court going as Commissioners to convenient places at convenient times throughout the Saorstát for the purpose of disposing of criminal cases properly within the jurisdiction of the High Court. This was intended to be in addition to the Central Criminal Court in Dublin. For reasons of inconvenience and expense, and possibly also owing to the unreliability of juries in provincial districts, these provisions as to Commissioners of the High Court were not put into operation, and by the Act under consideration they have been repealed, the Commissioners abolished, and their powers transferred to the Central Criminal Court in Dublin (s. 4) which by s. 5 shall now sit at such times and in such places as the President of the High Court shall direct.

The Courts Officers Act (No. 26) was consequential to the Courts of Justice Act, 1924, which established the new system of judiciary in the Saorstát. The object of this Act is to establish and regulate the officers and offices to be attached to the new Courts. The Act is divided into four parts, dealing respectively with (1) the High Court; (2) the Circuit Courts; (3) the District Courts; (4) Miscellaneous. The Act is based on the principle of abolishing all existing offices and officers in the various divisions of the High Court, and to create new offices with new officials, mainly transferred, but with new descriptions. The most radical change in the High Court is the creation of one Central Office, controlled and administered by a new official called the Master of the High Court, with new duties. He has complete superintendence and control of the administrative side of the High Court, save Probate and Bankruptcy, which are still under special control of separate officials, as are also the offices of the examiner and accountant. This has effected in centralization of office work and staff. The previous control of the staff by the judges is partially preserved by a provision that no officer or Registrar of the High Court can be removed from office without the concurrence of the Chief Justice and the President of the High Court.

In Part 2 of the Act a similar course is taken with reference to each Circuit Court for the eight circuits, now substituted for the old County Courts. There is one Circuit Court office for each circuit; the office of Clerk of the Crown and Peace is abolished and in his stead a new official called the County Registrar is created who discharges all the usual duties of registrar to the Court on both the civil and criminal side and controls the Circuit Court Office in all departments.

Part 3 of the Act creates the office of District Court Clerk, in lieu of the previous Clerk of Petty Sessions, for each District Court established for any area in substitution for the old Court of Petty Sessions. The officers of the Circuit Court and District Court offices are under the control of the Minister of Justice.

In Part 4 (Miscellaneous) the most interesting sections are s. 52 which

abolishes the office of High Sheriff in every county and county borough, and s. 53 which relieves the undersheriff of the duties of carrying into effect the sentence of death and places it upon the governor of the prison in which the condemned man is imprisoned. By s. 54 the duties of undersheriff in the circuit are transferred to the County Registrar, save where he finds that at the passing of the Act the office of undersheriff is not vacant; the existing undersheriffs being continued in office, but no new appointments are to be made. S. 60 makes the officials under the Act civil servants.

The Enforcement of Court Orders Act (No. 18) was passed to amend the law relating to the execution and enforcement of judgments and orders of the Courts. It is divided into three parts, the functions and powers of the undersheriff in seizing goods, the examination of debtors and miscellaneous provisions as to stay of execution and arrest. By s. 3 all orders issued by a civil court for the seizure or sale of a person's property or for putting a person in possession of lands or delivering him any specific property must be executed under the authority of the undersheriff. By s. 4 the undersheriff can appoint a sufficient number of court messengers, the new term for bailiffs, who shall under a warrant in writing act and assist the undersheriff in the execution. In levying such execution the undersheriff must within 24 hours make out an itemized inventory of the chattels seized, if possible, before removal of same and deliver to the owner a duplicate thereof (s. 6). The usual exceptions of wearing apparel, bedding, tools and implements of trade not exceeding £15 in value are set out in s. 7. Goods seized can be sold at any time after 48 hours of the seizure in such places as the undersheriff may think most suitable. S. 10 gives a good title to purchasers of goods at the undersheriff's sale, and he is protected from actions for breaking into premises to seize if he could not enter peaceably and had reasonable grounds for believing that some of the debtor's chattels were on the premises (s. 22). By s. 13 if in the course of a seizure in a house in which the debtor resides goods belonging to the wife or husband, parent or child of the debtor are taken, no action will lie against the undersheriff, but their value can be recovered by action against the debtor. The execution of orders of the Circuit Court is carried out by a similar procedure, but the orders of the District Court, save in the cases of ejectment orders and certain claims for rates, are executed by the Civic Guards. A judgment of a Circuit Court for a sum over £20 may be registered in the Central Office of the High Court by virtue of s. 59 of the Courts of Justice Act, 1924, and by the operation of s. 3 of this Act may be registered also as a judgment mortgage against any lands of the debtor in pursuance of s. 6 of the Judgment Mortgage (Ir.) Act, 1850.

Part 2 of the Act establishes a very convenient procedure in the District Court for the examination of any debtor as to his means and the making of an order for payment of the debt by instalments. This applies to any debt due by him under an order or judgment of any Court. Under s. 15 a creditor who gives *prima facie* evidence before a district justice that the judgment debt or part of it is due, that the debtor resides in the district court area and that he has no goods upon which execution can be levied, can obtain an order from the justice that the debtor attend for examination as to his means before the Court and do lodge with the Court a full statement in writing of his means and sources of income, as well as of the persons for whose support he is legally or morally liable.

On the examination, the District Justice can make an order for payment of the debt either by instalments or in one sum, as he thinks fit. If the statement as to means is found to be false to the debtor's knowledge, he can be sentenced to imprisonment with or without hard labour for a period not exceeding three months. He can also be imprisoned for failure to pay in accordance with the order and the imprisonment does not operate as an extinguishment or satisfaction of the debt.

Under s. 21 of Part 3 (Miscellaneous) the Court has power in respect of a judgment for payment of a sum of money by way of debt or damages to stay the judgment upon such conditions as appear reasonable, such as instalments or otherwise ; but the Court must be satisfied that the debtor is unable to pay immediately, and that this inability is not occasioned by his conduct or default and that there is reasonable ground for granting an extension of time.

The Jurors (Dublin) Act (No. 37) was passed to relieve partially the jurors of the city of Dublin from what had become a very onerous duty, that of providing the panel of jurors for the High Court sittings, also for the Central Criminal Court, and for the civil and criminal work of the Dublin Circuit Court. The area of the parliamentary city of Dublin is rather limited in its boundaries and population, but is surrounded on all sides by continuous and very populous suburban areas, all of which are geographically in the county of Dublin. This Act empowers the undersheriffs of the city and of the county to prepare for jury service in the Courts mentioned a joint panel drawn half from each area. S. 3 (4) has a useful provision whereby in cases of felony, except those of murder, treason and treason felony, the jury may, if the judge so order, separate as in trying cases of misdemeanour. Previously to the passing of this Act juries had to be locked up during the night, under the control of the undersheriff, if the case was not concluded in one day.

Education.—The most important Act during the year on the subject of education was the University Education (Agricultural and Dairy Science) Act (No. 32). The purpose of this Act is to transfer to University College, Dublin, the principal college of the National University of Ireland, the buildings known as the College of Science, and the Royal Albert College, formerly the property of the British Government and carried on with public funds for the advancement of scientific knowledge as to national industries and agriculture. The Ministers of Finance and Lands in whom these establishments are now vested are, by ss. 2 and 3 of the Act, directed to transfer them with all chattels to University College, with a grant of £7,250 for alteration of buildings and purchase of supplemental equipment, to found a Faculty of General Agriculture. The financial position of the college is greatly improved by the provision of s. 10, whereby the annual grant is increased from £32,000 to £82,000 to be applied for general purposes, while by s. 12 a special grant, earmarked for the Faculty of General Agriculture, is made of £24,984. Under s. 11 University College, Cork, which is another of the constituent colleges of the University, is to receive an annual grant of £40,000 in lieu of the present grant of £20,000, to be expended for general purposes, and under s. 3 a special grant of £67,000 for the purchase or erection of buildings to found a Faculty of Dairy Science, for the maintenance of which an annual grant of £13,000 is provided by s. 13.

The School Attendance Act (No. 17) is of a similar character to enactments for the same purpose elsewhere. By the operation of ss. 2 and 4

the parent or person having custody of the child between the ages of six and fourteen is obliged to send the child to one of the national schools or other suitable school. There is a special provision in s. 4 that for the next ten years after the passing of the Act, that is, until 1936, a child over twelve years of age is excused attendance for ten days in spring and ten days in harvest time if engaged in light agricultural work for his parent. The view of the legislature as to the walking capacity of children is shown by the provision implied by the definition of " suitable school " as one within two miles, for a child between six and ten, and within three miles for a child over ten. In other words a child of six may have to walk two miles to school and two back home, unless there is a reasonable means of conveyance. By s. 8 the enforcing authority for this Act is, in county boroughs or urban districts, the school attendance committee, appointed in pursuance of the provisions of ss. 9–14 ; and in the rural districts the authority to enforce the Act is the officer of the Civic Guards for the area. The remainder of the Act deals with administrative details, such as the returns to be furnished by the teachers, the obligations on the parent to supply or notify certain particulars in respect of the children, and as to offences under the Act.

Medical Professions.—Under the Medical Act (No. 4) the pre-treaty status of the medical practitioners registered under the General Medical Council of Great Britain and of students entered therein is maintained for another year, *i.e.* until February 19, 1927. The principal Act (No. 2) 1925,[1] is in the first place continued for six months, and power is given to the Executive Council to continue it thereafter by order in council from month to month during the limited period.

Land, Landlord and Tenant.—The Land Act (No. 11) is a short, technical and innocent-looking enactment, but it arose out of what might have been a constitutional crisis as to the jurisdiction of the Privy Council over decisions of the Supreme Court of the Saorstát. In the case of *Lynham* v. *Butler*[2] the Supreme Court had by a majority given a decision upon the construction of a section of the Land Act (No. 4), 1923. The details of this decision are not of importance in this connexion. A petition for leave to appeal to His Majesty's Privy Council was presented against this decision, and after a preliminary hearing as to the point involved, leave to appeal was granted by the Board. Thereupon the Saorstát Government, as an indication that they would not submit to the interference by the Privy Council with decisions of the Supreme Court on local law, forthwith passed this Act, which establishes as the law of the land the construction given to the Land Act, 1923, by the Supreme Court. The constitutional aspect of this statute and the appeal has been already commented upon in this *Journal* by Professor Berriedale Keith.[3]

The Increase of Rent (Restriction) Act (No. 24) was somewhat more favourable to the landlords than previous legislation. It deals mainly with the questions of decontrol of houses and restrictions in the application of the Act. By s. 2 the principal Act is continued in force until June 24, 1929, but subject to decontrolling provisions set out in s. 4. Houses in respect of which the rent and valuation do not exceed £40 in Dublin and £30 elsewhere are decontrolled as from June 24, 1927 ; houses in respect

[1] See *Journal of Comparative Legislation*, Third Series, vol. ix, pt. ii, p. 42.
[2] 1925, 2 Ir. Rep. 236.
[3] See *Journal of Comparative Legislation*, Third Series, vol. viii, pt. i, pp. 132, 286.

of which the rent and valuation do not exceed £30 and £25 are decontrolled as from June 24, 1928 ; and those that do not exceed £25 and £20, as from June 24, 1929. S. 5 further excludes the Act from application to houses in respect of which the landlord is in possession at the passing of the Act, or where he comes into possession after the passing of the Act of the whole of a dwelling house, with a saving clause as to lawful sublettings of part as a dwelling house ; but the Act is excluded from the part not sub-let if it comes into the landlord's possession. Agreements from new tenancies made under the principal Act and complying with the provisions as to standard rent and permitted increases, are validated by s. 7 notwithstanding that no valid statutory notice to increase had been served in pursuance of the Act of 1920 or 1923. By s. 8, where statutory notice of increase had been served without a valid notice to quit, the statutory notice is deemed to have been given and to take effect as if a valid notice to quit had been served. An increase of rent made valid by this section, and deductions from rent or unpaid rent in the nature of deductions made invalid by this section shall not be recovered in respect of any period beyond May 4, 1926.

Local Government and Local Authorities.—The Local Authorities (Mutual Assurance) Act (No. 34) enables local authorities to become associated as members of a mutual assurance company within the meaning of the Act for the purpose of insuring against fire, employers' liability and injuries to their workmen (s. 2). All the members of such a company must be local authorities, such as county or district councils, poor law guardians or town commissioners. The liability of the members is to be limited by guarantee not to exceed in respect of any one member the sum of £10. By s. 4 such a mutual assurance company is relieved from the obligation to make a deposit under the Assurance Act, 1909.

Under the Local Authorities (Officers and Employees) Act (No. 39) there was established a new method of appointing to executive offices and other employment under a local authority, where the qualifications for the post are in whole or in part professional. By s. 3 a Board of three members, called the Local Appointment Commissioners, was to be established by the Executive Council. By s. 6 every local authority before making an appointment to which the Act applies must request the Commissioners to recommend to them a person suitable for the appointment. If the local authority does not make this request within three months of the vacancy the Minister may request the Board to recommend a person for the office. When the request is made by the local authority or the Minister, the Commissioners select and recommend one or, if they think fit, more persons as suitable for the appointment, and upon their doing so, one of the persons recommended must be appointed. The object of this Act is to do away with local influence on authorities making appointments and so far as possible obtain the best officer. It has a very wide application, covering county and district councils, county boroughs, sanitary authorities, town commissioners and persons or committees exercising their functions. By s. 7 the Board, with the consent of the Minister, prescribe the necessary professional qualifications for the office as well as age or sex. A most important provision is that in s. 8 to the effect that save in a few cases the selection of candidates by the Board shall be by competitive examination open to all persons having the prescribed qualifications. This Act has been the subject of much criticism

by the local authorities, who feel shorn of what they have always regarded as legitimate patronage.

By the Acquisition of Lands (Allotments) Act (No. 8) local authorities who are satisfied that there is a demand for allotments in their area, may acquire land compulsorily or by agreement for a term of not more than five years for the purpose of letting as allotments, not exceeding ¼ of an acre in size. By s. 3 the scheme for allotments must be approved by the Minister of Local Government before it is carried into execution. The lettings of the allotments may be made to individuals not exceeding two for each allotment, or to a number of persons or an association working on the co-operative system so constituted that the division of profits is prohibited or restricted, subject to the approval of the Minister (s. 13).

For many years prior to 1926 there had been in the main streets of the city of Dublin an extensive and objectionable practice of street trading by hawkers of fruit and flowers, from baskets, barrows and other vehicles or stalls. It had become a nuisance to the public using the streets and footpaths as well as a grievance to shopkeepers. The Street Trading Act (No. 15) is an effort to control and regulate this practice of street trading without unreasonably interfering with the traders. The plan adopted is to localize the trade in certain streets and permit only licensed traders or stalls. Annual certificates may be granted by the Commissioner of the Civic Guards for (*a*) trading with a tray, basket, bag or like receptacle, or (*b*) trading from a stall or vehicle. Each of these certificates confines the trading to a particular street, enabling the Commissioner to keep the hawkers in areas more suitable for such business and exclude them from the main thoroughfares. The regulations under the Act may be made by the Corporation of Dublin or by the Minister.

Betting.—The Betting Act (No. 38) applies to cash and starting price betting when carried on by licensed bookmakers in registered premises. By s. 2 no person can carry on business as a bookmaker unless he is licensed under the Act. The licence is granted annually, the procedure being that the applicant shall first obtain from the Civic Guards for the district in which he proposes to carry on business or in which he resides a certificate that he is a fit and proper person, and also the approval of two Peace Commissioners. After the application has been duly advertised in the press of the district, the Superintendent of the Civic Guards is empowered to grant a certificate or refuse it on certain statutory grounds. If the bookmaker obtains the certificate from the Superintendent he has within twenty-one days to apply to the Revenue Commissioners for his annual licence, and pay the duty. If a bookmaker desires to carry on his business in certain premises as bookmaking offices he must obtain a similar certificate under a similar procedure for the registration of the premises. S. 21 makes it an offence punishable by fine not exceeding £100 for any person while in the Saorstát to make any bet with any person outside the Saorstát or to employ anyone to do so on his behalf. S. 22 gives the Minister of Posts power to open, examine and detain any postal packet suspected to contain or in fact containing any communication from a person in the Saorstát to a person outside the Saorstát for the purpose of making bets. A very full definition of " totalizator " is given in s. 1 and under ss. 23, 24 and 25 ; provisions are made for the granting by the Revenue Commissioners of licences for totalizators, and they may, themselves, set up a totalizator in such places as the Minister may

authorize, and the profits of such shall be paid into the Exchequer. Unlicensed totalizators are prohibited.

Wireless.—The control of wireless apparatus and telegraphy has been placed under the State by the Wireless Telegraphy Act (No. 45). The long title of the Act is " an Act to make provision for the regulation and control of wireless telegraphy on land, at sea, or in the air and for the regulation and control of certain classes of visual and sound signal stations and for the establishment and maintenance of State broadcasting stations and other matters." The Minister having control under the Act is the Minister of Posts. By s. 3 any person having wireless apparatus in his possession without a licence, save certain exceptions as to ships, shall be guilty of an offence. There is a similar restriction on signalling stations (s. 4). The Minister has the necessary powers to make regulations as to the conditions of the licence, to demand information from any person as to the possession of apparatus, and to issue search warrants through his officer or the Civic Guards. In any period of national emergency the power is given to the Executive Council to take control of all wireless telegraphy installations or signalling stations (s. 10). Under Part II of the Act (s. 17) the Minister is empowered to acquire or establish State broadcasting stations as he may think proper and maintain and work same, with complete control of the matter to be broadcast.

Statistics.—The Statistics Act (No. 12) provides for the collection of statistics on any matter affecting the general economic and other activities and conditions of the Saorstát, such as population, vital social and educational matters, local government, employment, emigration, agriculture, fisheries, industry, banking, commerce, transport, etc. Under s. 4 a Statistical Council is established to give advice and assistance to any Minister in connexion with the execution of the Act. Persons serving in any branch of the Civil Service may be employed on the duties of compilation of and publication of the statistics and while so employed shall be deemed officers of statistics. By s. 7 every person is bound to fill up any official form required of him. By s. 13 information given by private individuals shall be regarded as confidential and shall not be published in such a form as would enable the person supplying same to be identified.

Railways.—In the amalgamation and absorption of the Irish Railways under the Railways Act, 1924, many existing officers and servants lost their appointments or suffered other loss or hardship. Under the principal Act such persons were entitled to compensation by way of gratuity on the terms therein contained. Difficulties and inequalities were made apparent in the application of these provisions, whereupon they have been rectified by the Railways (Existing Officers and Servants) Act (No. 25).

Defence.—The Defence Forces (Temporary Provisions) Act (No. 7) is the equivalent of the Annual Army Act and provides for the continuance for another year of the Defence Forces Acts establishing the army in the Saorstát.

Industrial.—The Industrial Trust, Ireland, Ltd., Act (No. 7) authorizes the Minister of Finance to acquire and pay for, out of the Central Fund, share capital in this particular company, not exceeding £50,000.

II. NORTH AMERICA.

1. DOMINION OF CANADA.

[It is hoped to publish the Summary in the next *Review*.]

2. ALBERTA.

[*Contributed by* JOHN D. HUNT, ESQ.]

In the sixth session of the fifth Legislature of the Province of Alberta 82 Bills were introduced. Seven Private Bills were brought in and all were passed, and of 75 Public Bills introduced, 68 were passed, one withdrawn and 6, including the Natural Resources Bill, were held over to be dealt with at the adjourned session; of these the following should be noticed.

Dog Restriction.—It is provided by No. 47 that upon complaint to any justice that a dog has bitten or attempted to bite any person, he may if satisfied that the dog ought to be destroyed direct that such be done, and any constable may carry out the direction.

A justice is empowered to direct the owner of a dog to keep the same under proper control, if it appear to him that such dog is dangerous and, in the event of failure to comply with the order, to issue an order to destroy the dog.

Every person failing to comply with such order shall be liable to a penalty not exceeding $5 for every day's default.

The occupier of any premises where a dangerous dog is kept at the time of the complaint shall be presumed to be the owner and shall be liable under the provisions of this Act, unless he proves that he was not the owner of the dog at the time.

Where there are more occupiers than one in premises let in separate apartments, the occupier of that particular part in which the dog has been kept shall be presumed to be the owner of the dog.

Mothers' Allowances.—This amendment (No. 17) provides for the giving of an allowance to the wife of a husband who is unable to support his family by reason of total disability which may reasonably be expected to continue for at least one year, resulting from sickness or accident.

This Act shall come into force on proclamation.

Medical Profession.—By No. 19 it is provided that no person shall advertise or hold himself out to the public as a specialist or as being specially qualified in any branch of any class or system of practice without receiving from the Registrar of the University of Alberta a certificate of having complied with such conditions precedent as to qualifications or fitness as may be prescribed by the Senate of the said University.

The said conditions may be based either upon the possession of certain diplomas or other professional qualifications or upon compliance with prescribed tests by way of examination or otherwise.

Any breach of the said provision shall be deemed to be unbecoming and improper conduct within the meaning of the Act.

Nothing in this Act contained shall apply to or affect those who

practise the religious tenets of their church without pretending a knowledge of medicine or surgery and provided that the laws, rules and regulations relating to contagious diseases and sanitary matters are not violated.

Venereal Diseases Prevention.—It is provided by No. 23 that if any person is under arrest or in custody on a charge of any offence against s. 216 of the Criminal Code (procuring, living on earnings of prostitution) or of keeping a common bawdy house under s. 228 of the same, or of being found in a common bawdy house, under s. 229 of the same, or of being an inmate of a common bawdy house under s. 229*a* of the same, or of being a loose, idle, or disorderly person or vagrant under s. 238*i* and s. 239 of the same (common prostitute or night-walker) or under ss. 238*l* and 239 of the same (living on the avails of prostitution), then the justice shall order that such person shall be physically examined by a medical practitioner appointed by the Provincial Board of Health and in the manner and to the extent prescribed by the regulations and at such place as may be directed by the justice.

Oil and Gas Wells.—Act No. 6 shall apply to all oil and gas wells whether drilled before or after the passing of this Act.

The Lieutenant-Governor in Council shall have power to make regulations—

Forbidding the boring or undertaking to bore an oil or gas well without the licence of the Minister of Public Works.

Factories.—No. 52 is a new Act taking the place of the old Factories Act which is repealed.

Among the changes to be noted are :

The hours of labour for any person employed in a factory, shop, office or office building shall not exceed nine in the day and fifty-four in the week. Provided, however, that the inspector may in individual cases permit employment for a longer period for reason of occupation, trade, accident or other necessity.

Provided further that the Lieutenant-Governor in Council shall after the coming into force of this Act appoint a commission of two persons to consider the questions involved in the establishment of a forty-eight hour working week and such commission shall inquire into and draw up a report as to the advisability of the establishment of the same with regard to any or all industries carried on in a factory, shop, office or office building.

Wherever a minimum wage has been fixed for female workers in any class of employment, no male workers shall be employed in such class of employment at a less wage.

Provided that such wage shall not apply to apprentices who have been duly indentured and who are receiving proper instruction from the persons to whom they are apprenticed.

All employers shall pay wages to such male workers at not less than the said minimum wage, and if any employer fails to do so he shall upon summary conviction be liable to a penalty of not more than $500 and not less than $25 and shall also upon conviction be ordered to pay to the worker concerned the difference between the wages actually received by him and the said minimum wage.

Labour Disputes.—Act No. 53 applies to labour disputes within the exclusive legislative jurisdiction of the Province.

It follows along lines laid down in the Federal Lemieux Act.

The Minister of Public Works shall have the general administration of the Act.

The Lieutenant-Governor in Council shall appoint a Registrar of Boards of Conciliation and Investigation, who shall have the powers and perform the duties described.

Wherever any dispute exists between an employer and any of his employees and the parties are unable to agree, either of the parties may make application to the Minister for the appointment of a board to which the dispute may be referred.

When an application is made for the appointment of a board the Minister shall within fifteen days establish such board, if satisfied that the provisions of this Act apply.

The decision of the Minister as to the granting or refusal of a board shall be final.

Every board shall consist of three members who shall be appointed by the Minister; one on the recommendation of the employer, one on the recommendation of the employees who are parties to the dispute and the third on the recommendation of the members so chosen, and if the board cannot agree within five days the Minister shall appoint a fit person to be such third member.

The third member shall be the chairman.

The Act makes full provision for the procedure for reference of disputes to the board, for inspection of premises, the subject of references, for sittings of the board, for amicable settlement of disputes where possible, for the procedure to be followed in case a settlement cannot be arrived at, for the summoning and hearing of witnesses, for report and recommendation of the board to the Minister and the publication of same.

The procedure for the enforcement of penalties shall be that prescribed by Part 15 of the Criminal Code relating to summary convictions.

Either party to a dispute may agree in writing to be bound by the recommendation of the board in the same manner as parties are bound by an award at arbitration and either agreement so to be bound made by one party shall be forwarded to the registrar, who shall communicate it to the other party and if the other party agree to be bound, then the recommendation shall be made as a rule of the Court on the application of either party and shall be enforceable in like manner to an order of the court of record.

Where in any industry any strike or lock-out has occurred or seems to the Minister to be imminent, he may on the application of any municipality interested or of the mayor, reeve or other head officer or acting head officer thereof or of his own motion, without application of either of the parties to the dispute, strike or lock-out constitute a board under this Act, or may in such case recommend to the Lieutenant-Governor in Council the appointment of some person or persons under the provisions of the Public Inquiries Act to inquire into the dispute, strike or lock-out or into any matters or circumstances connected therewith.

Legislative Assembly.—By No. 3 it is provided that no person shall be eligible to be nominated as a candidate or to be a member of the Legislative Assembly unless at the time of his nomination he is entitled to be an elector in some electoral division of the Province.

Provision is made whereby if a member is made a Cabinet Minister he does not have to go back to his electoral division for re-election.

3. BRITISH COLUMBIA.

[*Contributed by* The Legislative Council.]

Session of 1926–7. Acts passed—89; Public—78; Private—11.

The following summary indicates the more important Acts of general interest.

Interpretation of Acts.—The increasing application of the *persona designata* idea in the construction of Statutes had resulted in many provisions found throughout the Statutes of the Province becoming a trap for the unwary, so much so that it was generally conceded that it would be to the advantage of everyone concerned if the application of this principle of construction were made impossible, at least so far as the exercise of powers vested in the judges and officers of the Courts is concerned. To accomplish this an amending Act (c. 1) was passed, inserting a new section in the "Interpretation Act" to the effect that where by any Act of the Legislature judicial or quasi-judicial powers are given to a judge or an officer of any Court of record, whether individually or as a member of a class, those powers shall be deemed for all purposes to be given to the judge or the officer to be exercised by him in his capacity as judge or officer of the Court, as if the Court itself had jurisdiction in respect thereof and not as a *persona designata*, unless the Act contains express provision to the contrary.

Maintenance of Children of Unmarried Parents.—By an amending Act (c. 9) the provisions of the Act passed in 1922 providing for the maintenance of illegitimate children by their parents are extended to illegitimate children born to widows or to married women living apart from their husbands, as well as to those born to single women.

Evidence.—By c. 21 a section is inserted in the Evidence Act containing provisions similar to those of the Bankers' Books Evidence Act, 1879 (Imp.), except that copies of entries made by a bank in its own books are not, under the British Columbia Act, given the effect of *prima facie* evidence in its favour in actions to which the bank is a party.

Mechanics' Liens.—Prior to the enactment of c. 41, the period fixed for the filing of a mechanic's lien for materials was thirty-one days after completion of the contract. As now amended the time for filing a lien for materials furnished for a mine or quarry is thirty-one days from the time of furnishing the last materials so furnished, and in all other cases thirty-one days after completion of the erection or building. Provision is also made in cases where more than one erection or building is under construction that the time for filing in respect of each building runs from the time when that building is in fact completed.

Milk.—A new Milk Act (c. 42) was enacted in substitution for former legislation. Provision is made for Government inspection and grading of dairy-farms on the basis of a standard score-card. Special powers of inspection and regulation are vested in the Municipal Authorities in respect of milk supplied for human consumption within a municipality.

Municipalities.—An interesting addition to the powers of city municipalities in this Province is found in c. 45 which empowers a City

Council, by resolution, to bestow the freedom of the city on any person distinguished for national or local services. Any person receiving the freedom of a city may, if a British subject, be elected Mayor of the city, and every freeman is made eligible to vote at elections for Mayor or Alderman.

Notaries Public.—A new Notaries Act was enacted (c. 49), the outstanding feature of which is a provision which prohibits (with some minor exceptions) any person for reward, to draw or revise any document required to be registered or filed in any public office, or any will unless that person is enrolled as a barrister, solicitor, or notary public. It also contains a provision that all barristers and solicitors enrolled pursuant to the Legal Professions Act may use the title of Notary Public, and exercise all the powers attaching to the office of Notary Public.

Old Age Pensions.—Provision is made (c. 50) for the application to this Province of the Old-age Pensions Act of Canada, by which pensions are paid to needy persons over seventy years of age who are British subjects, and who have resided in Canada for twenty years and in the Province for five years. The funds to meet these pensions are provided half from the Dominion Treasury and half from the Provincial, the cost of administration being borne by the Province.

Produce Marketing.—C. 54 brings into operation a somewhat novel system of legislative control of the marketing of agricultural produce grown in the Province, with the object of promoting uniformity in methods of marketing and of enabling all growers to market their produce at a fair price. Provision is made for the division of the Province into appropriate districts, and the appointment in each district of a Committee of Control. This Committee is authorized to obtain full information as to the produce grown within its jurisdiction which will be available for marketing, and as to available markets and their requirements. Full power is given this Committee to regulate the times and manner in which produce shall be marketed, and to fix the prices at which a product shall be marketed or sold. Growers of produce are required to conform to all regulations of the Committee in the shipment and sale of produce.

Sales on Consignment. — The somewhat brief provisions governing mercantile agents in the sale of agricultural produce, formerly contained in Part VIII of the Sale of Goods Act, are repealed by the Sales on Consignment Act (c. 61), and more elaborate provisions are made to govern mercantile agents in handling fruits and vegetables on consignment. This Act is designed to prevent a recurrence of the frauds existing in this business as disclosed by the recent investigation under the Combines Investigation Act of the Dominion, and was drawn by the Commissioner who conducted that investigation. It imposes on mercantile agents definite duties as to records, accounting and reporting, and as to payment over of moneys realized from sales. Deductions not disclosed in writing to the principal are not allowed to be retained by the agent. The agent is not entitled to remuneration if he fails to comply with the provisions of the Act. He is also prohibited from purchasing any consigned products without the prior consent of the principal. Where the agent fails to keep the required records, it is presumed against him in any action by the principal that the products were sold at such prices as similar products in good condition, disposed

of at that time, are shown to have brought. Mercantile agents interested in or controlled by any wholesaler or jobber in agricultural products are prohibited from doing business in the Province. Mercantile agents are prohibited from selling or consigning products of their principals to any organization substantially owned or controlled by the same persons as own or control the business of the mercantile agent.

Savings and Loan Associations.—A new Act (c. 62) was enacted regulating the operation and methods of business of Savings and Loan Associations in the Province. Provision is made for limiting the locality in which business is to be carried on, and the kinds of shares which such an association may issue. Loans to other than shareholders of the association are prohibited; and provisions are enacted regulating the manner of making loans, limiting the expenses of operation, and providing for the inspection of associations, in order to safeguard the interests of shareholders.

Sheep Protection.—A new Act revising and extending the provisions for protecting sheep, goats, and poultry from injury by dogs is found in c. 64. The keeping of unlicensed dogs is prohibited; and from the licence fees collected funds are established, from which compensation may be obtained for damage done by dogs in cases in which the owner of the dog is unknown or it is found impossible to collect the damages from the owner.

Succession Duty.—The Succession Duty Act of the Province contains provisions for the making of an allowance for duty paid outside the Province in respect of personal property locally situate without the Province, and for the extension of these provisions by Order in Council to such other provinces or countries only as make reciprocal provisions. By amendment (c. 66) power is given to extend these provisions to any Province of Canada whether or not that Province makes a reciprocal allowance.

Superannuation.—By amendment (c. 68) provision is made for the compulsory application of the provisions of the Superannuation Act of 1921 to every municipality in which seventy-five per centum of the municipal employees request the adoption of the Act.

Provincial Taxation.—Amendments enacted by c. 71 extend the provincial income-tax to income consisting of the increment or profit derived from the sale of timber lands, mining property and water-power developments. Provisions are made to prevent evasion of income-tax in the case of husbands, wives and partners. A form of gross-income-tax is provided as a minimum alternative to the net-income-tax in respect of trades, businesses and professions, the purpose of this being to ensure that all businesses make at least a small contribution to the upkeep of the public services, irrespective of whether or not they have a taxable net income.

Tug-boat Men's Liens.—A new enactment known as the Tug-boat Men's Lien Act (c. 73) was passed giving the owner of a tug-boat which performs any towage of logs or timber products from one place to another within the Province a statutory lien on the logs or products towed for the amount payable for the towage. Priority is given to the lien over ordinary encumbrances, and provision is made for it to lapse unless filed in the County Court Registry within thirty days after the last day on which the towage was performed.

4. MANITOBA.

[*Contributed by* ERSKINE W. IRELAND, ESQ., LL.B.]

1925.

Acts passed—114; Public—106; Private—8.

Bills of Sale and Chattel Mortgage.—C. 2 amends c. 17 of the Consolidated Amendments, 1924, and provides that where any document subject to the provisions of the Act has been executed by a corporation under its corporate seal, no affidavit of attestation or execution or of a subscribing witness thereto, as to the due execution thereof, shall be required.

Child Welfare.—C. 3 provides that the Lieutenant-Governor in Council may establish and constitute Juvenile Courts. S. 83A is added to the Act and empowers the judge, police magistrate or the justices before whom the case is brought to make an Order for maintenance of a child born out of wedlock, against one person or against several persons. Power is given to vary the amount payable under the terms of such Order.

Companies.—S. 5A of c. 5 provides that the letters patent or any supplementary letters patent of any company may provide for the issue of the shares of the capital stock of such company without any nominal or par value, except in the case of preferred stock having a preference as to principal—and if such preferred stock or any part thereof has a preference as to principal, the letters patent shall state the amount of such preferred stock having such preference, the particular character of such preference, and the amount of each share thereof, which shall be five dollars or some multiple of five dollars, but not more than one hundred dollars.

Each share of the capital stock without nominal or par value shall be equal to every other share of such capital stock subject to the preferences, restrictions or other conditions attached to any other class of shares, if any, authorized to be issued.

Any and all shares issued as permitted by s. 5A shall be deemed fully paid and non-assessable and the holder of such shares shall not be liable to the company or to its creditors in respect thereof.

S. 5D provides for the conversion of ordinary stock into shares of no nominal or par value. The holders of shares without nominal or par value allotted to them in conversion of shares having a stated par value previously held by them shall continue to be liable to the creditors of the company to the same extent as before such conversion in respect of all liabilities existing at the date thereof. No conversion of issued shares shall take place unless approved at a meeting of the holders of the shares proposed to be converted by a two-thirds majority in value of such shareholders present or represented at such meeting.

S. 17A recites powers following incorporation which a company shall possess as incidental and ancillary to the powers set out in the letters patent or supplementary letters patent.

By s. 133 deeds of Extra-Provincial Corporations executed under Power of Attorney, and having reference to property or civil rights in Manitoba, shall bind the Corporation and have the same effect as if they were under the common seal of the Corporation.

Contracts Relating to Land.—C. 7, otherwise known as "The Moratorium Act," provides for the continuation of any action or proceeding that has been stayed in consequence of the payment of a percentage or percentages of principal and costs, as soon as another percentage of principal becomes payable. The benefits of the Moratorium Act have now been withdrawn, by virtue of a section in the Act providing that all restrictions thereby imposed upon the collection or recovery of principal moneys should cease to be applicable after December 31, 1926.

Co-operative Associations.—C. 8 is a new Statute. S. 3 recites three co-operative principles: (1) The voting rights therein of the members are equal, regardless of the number of shares or memberships held by each; (2) no voting by proxy; (3) distribution of the surplus thereof, if any, to be wholly or in part according to the patronage received from members or patrons or both.

S. 5 provides that any seven or more persons resident in Manitoba by subscribing their names to a memorandum of association and otherwise complying with the requirements of the Act in respect of registration and of matters precedent and incident thereto may form a co-operative association.

Ss. 6–31 cover provisions relating to Memorandum of Association, Organization By-laws, Registration, Shares, Directors, Meetings, Contracts, Apportionment of Surplus, Records, Annual Returns, Offences and Penalties and Associations incorporated under other Acts.

An Association may be dissolved by consent of three-fourths of the members present at a general meeting specially called to consider dissolution, but in case of a dissolution the Association shall continue to be liable for its debts and may sue and be sued in respect to all unsettled matters.

County Courts.—By s. 9 interrogatories may now be delivered, and the rules and practice of the Court of King's Bench with respect to Interrogatories have been adopted in the County Court pursuant to the amending Act.

S. 3 provides that the provisions contained in rules 223 to 233 inclusive of the King's Bench Act, being rules relating to third party procedure, shall apply *mutatis mutandis* to all actions in the County Court.

Crop Payments.—C. 12 amends c. 147 of the Consolidated Amendments, 1924, and provides that in all cases in which a *bona fide* lease or attornment has been made and a *bona fide* tenancy created between a landlord and tenant, or in which a valid agreement of sale has been made, or in which a mortgage has been made, providing for payment of the rent reserved by such lease or attornment or in lieu of rent, or of the moneys secured by such agreement of sale or mortgage, by the tenant, purchaser or mortgagor delivering to the landlord, vendor or mortgagee a share of the crops grown, growing or to be grown on such land or paying to the landlord, vendor or mortgagee the proceeds of such share, then, notwithstanding anything contained in the Bills of Sale and Chattel Mortgage Act, or in any other Statute, or in the common law, such landlord, vendor or mortgagee, at all times until such delivery or payment, shall have a right to and a special property or interest in the said crops or the proceeds thereof to the extent of the share or interest so reserved or agreed to be delivered or paid over in priority to the interest of the tenant, purchaser or mortgagor, or of

any person claiming through or under the tenant, purchaser or mortgagor.

S. 3 provides that the above provisions shall be binding upon and effectual as against the personal representatives, successors, and assigns of the tenant, purchaser or mortgagor and shall enure to the benefit of the personal representatives, successors and assigns of the landlord, vendor or mortgagee.

Estates of Insolvent Deceased Persons.—C. 14 permits a creditor, desiring to cause any proceedings to be taken which in his opinion would be for the benefit of the estate of a deceased person where there is a deficiency of assets, the executor or administrator refusing or neglecting to take such proceedings, to obtain from a judge of the Court of King's Bench an order authorizing him to take proceedings in the name of the executor or administrator, but at his own expense and risk, upon such terms and conditions as to the indemnity to the executor or administrator as the judge may prescribe.

Narcotic Drug Addicts.—C. 16 provides for the compulsory treatment of persons addicted to the improper use of opium and other narcotic drugs.

S. 3 provides that where an officer is credibly informed that an addict is resident within the Province, he may give notice in writing to such addict requiring him to consult a legally qualified medical practitioner and submit himself for treatment and to continue such treatment until cured. Upon failure of such addict to comply with the terms of such notice, an inquiry may be made by a justice, and if it appears desirable in the public interest such addict may be committed to an institution for treatment.

Executions.—The exemption of tools, agricultural implements and necessaries used by the judgment debtor in the practice of his trade, profession or occupation to the value of $500 has been increased by c. 20 to the value of $800. If a judgment debtor die leaving him surviving a widow or a dependent child or dependent children or a dependent widowed mother, chattels exempt from seizure shall, after the death of the debtor, continue to be so exempt.

Gasolene Tax.—By s. 1 of c. 24 the tax has been increased from 1 cent to 3 cents per gallon.

S. 3 provides for a rebate of 2 cents per gallon when any gasolene in respect of which the tax has been imposed has been used or consumed for any one or more of the following purposes: (*a*) For the operation of tractors and portable engines in threshing, ploughing, grinding grain, and lumbering; (*b*) for the operation of motor boats in commercial fishing; (*c*) for any mining or manufacturing purpose other than in the operation of motor vehicles.

Income-tax.—Under the amending Act (c. 26) it is provided that in computing taxable income the following deduction shall be made: $500 for each child under eighteen years of age who is dependent upon the tax-payer for support (increased from $300) and $300 for each parent resident with the tax-payer and dependent upon the tax-payer for support.

Insurance.—Several sections have been added to the principal Act by c. 27 relating to reciprocal deposits and the valuation of contracts of life insurance issued by companies incorporated and licensed under the laws of Manitoba.

Fire Insurance Policy.—C. 29 is an Act to secure uniform conditions in policies of fire insurance.

S. 3 provides as follows:

3. No contract shall be made:

(*a*) For a term exceeding one year in the case of a mercantile or manufacturing risk, whether on building or contents or on other property or interest, on the cash plan; or

(*b*) For a term exceeding three years in any other case; but any contract may be renewed by the delivery of a renewal receipt or a new premium note.

S. 4 provides as follows:

Every policy shall contain the name of the insurer, the name of the insured, the name of the person or persons to whom the insurance money is payable, the premium or other consideration for the insurance, the subject-matter of the insurance, the indemnity for which the insurer may become liable, the event on the happening of which such liability is to accrue, and the term of the insurance.

By s. 5 it is provided that subject to certain exceptions—
the conditions set forth in the Schedule hereto shall be deemed to be part of every contract in force in the Province, and shall be printed on every policy with the heading "Statutory Conditions," and no variation or omission of any statutory condition shall be binding on the insured.

Minimum Wage.—Under the amending Act (c. 35) if any employer pay an employee a wage less than the minimum wage prescribed by order, rule or regulation of the Minimum Wage Board and such employer is found guilty of the violation of any of the provisions of the Act or of any order, rule or regulation of the Board he shall be ordered by the magistrate to pay to the said employee the full amount of her said minimum wage less any amount actually paid to her by the employer, together with such costs as may be allowed by the Court.

Motor Vehicles.—The amending sections of c. 36 relate to registration fees, certificates and permits, licence plates, lights, etc.

Produce Dealers.—C. 38 is an Act for the regulation and licensing of produce dealers. Every person, firm or corporation desiring to carry on the business of a produce dealer or travelling produce dealer in Manitoba is required by the Act to make application in writing to the Minister of Agriculture and Immigration for a licence.

Rural Credits.—C. 49 contains provisions relating to applications for loans, settlement of terms of loans and renewals of loans. The Lieutenant-Governor in Council may authorize the payment out of the Consolidated Revenue Fund of sums sufficient to provide any advances under the Act, but the aggregate amount of such advances outstanding and not repaid is not at any time to exceed the total sum of three million dollars.

S. 40A, added to the Act by s. 13, is as follows:

The lien or charge created by this Act shall be valid and continue during the currency of the loan and every renewal of the whole or any part thereof and until the amount advanced to the borrower together with interest, charges and costs is fully paid, and the same shall have priority over every other lien, charge, mortgage and encumbrance whatsoever affecting the personal property subject thereto, and also every sale, whether for value or otherwise, made subsequent to the making of the loan or the filing of the certificate, as the case may be, excepting and subject to the following:

(*a*) The lien of a thresher;

(*b*) Any valid lien, charge, mortgage, encumbrance or other security given for securing the purchase price of seed, whether the money therefor, or the seed, was advanced under this Act or otherwise, together with interest thereon and lawful expenses relative thereto;

(*c*) Any payments provided for in the Crop Payments Act;

(*d*) Any *bona fide* rent, or right of distress and sale therefor;

(*e*) Any distress warrant for the recovery of wages under the Master and Servants Act.

Under s. 17 the borrower is not to dispose of property subject to a rural credits lien without the consent of the Society.

Agricultural Loans.—Loans for Seed Grain and Seed Potatoes are provided for by c. 52, being an Act to enable municipalities to borrow limited amounts of money for seed purposes.

The preamble of this Act recites as follows:

> Whereas there are certain localities in the Province of Manitoba in which damage has been sustained by persons engaged in agricultural pursuits to such an extent as to render them unable to procure seed for use in the coming season, and whereas itis expedient to provide means whereby said persons may obtain the same.

Rural municipalities may borrow up to $50,000 for the purpose of supplying seed grain or seed potatoes to farmers who are unable to procure the same, either by promissory notes or by the issue and sale of debentures. S. 12 provides that no municipality to which money has been lent under the Act shall make any advance of seed grain or seed potatoes to a tenant or other person not the registered owner of any land upon which the seed is to be sown except by and with the consent of the registered owner, in which case both the applicant and registered owner shall make and deliver a joint and several promissory note in favour of the municipality for the amount of such advance. S. 17 provides that upon filing such promissory note in the county court the municipality shall have a first and preferential lien upon the crop with the same priority and effect as a seed grain chattel mortgage. The amount of the promissory note may also be entered in the collector's roll of the municipality against the land named therein and on which such seed is sown, creating a lien and charge against such land. Such charge shall in the case of the first mortgagee of such land consenting as required by the Act, have precedence with taxes over all other encumbrances against such land—but in all other cases such charge shall have precedence over all other encumbrances against the land except taxes and any mortgage which is registered as a first mortgage against the land at the time when a copy of the note is filed in the county court.

Unorganized Territory Seed Grain.—C. 53 offers to owners of land in unorganized territory who have been unable to secure seed grain benefits similar to those provided for by c. 52.

Teachers' Retirement Fund.—S. 3 of c. 60 empowers the Department of Education to establish a teachers' retirement fund to consist of:

(*a*) A permanent fund made up of: (i) Gifts and legacies specifically given to said permanent fund, and all sums transferred to said permanent fund from the general fund hereinafter referred to; (ii) such sums as may be granted from time to time by the Legislative Assembly for said permanent fund.

(*b*) A general fund made up of: (i) Gifts and legacies made to the teachers' retirement fund, not specifically given to said permanent fund; (ii) amounts retained from the legislative grant to school districts as hereinafter provided; (iii) the interest or other income derived from the said permanent fund.

Every teacher, except such as elect not to participate, must contribute 1 per centum of his salary to the general fund. A Board of Administrators of four members, two to be appointed by the Lieutenant-Governor in Council and two to be elected by the teachers, manage, control, and administer the said fund.

Threshers' Liens.—A threshers' lien is given by c. 61 priority over a seed grain mortgage.

Workmen's Compensation.—There are 28 sections in the amending Act (c. 66), most of which relate to minor amendments. Where the Board is of the opinion that any person entitled to compensation is leading an immoral or improper life, or where the claimant is confined to a jail or mental diseases hospital, the Board has power, after due investigation, to withhold or suspend payment of compensation, and the same may be paid to dependents of claimants or to such other persons as the Board deems advisable.

1926.

Acts passed—122; Public—106; Private—16.

Amusements.—The effect of the amending Act (c. 2) is to exempt amateur athletics from the tax and to increase the *pari-mutuel* tax from 3 per cent. to 5 per cent.

Bulk Sales.—The principal Act is amended by c. 3, as recommended by the Commissioners of Uniformity of Legislation, to make the Act inapplicable to authorized trustees under the Bankruptcy Act (Canada), official receivers or liquidators, and to fix the time within which a sale in bulk may be attacked as six months instead of sixty days.

Child Welfare.—By c. 4 the allowances to mothers or others in respect of bereaved and dependent children may be granted not only in the case of any such child fourteen years of age or under, but also in the following cases: (*a*) Where such child is over fourteen and is not capable of self-support on account of mental or physical incapacity; (*b*) where such child's father at the time of his death was or, if living, is a British subject by birth or naturalization; and (*c*) where such a child, within the ages aforesaid, was born in Canada.

Under s. 5, Municipal Child Welfare Committees are authorized.

By s. 12 it is provided that where a child born of unmarried parents requires attention and no prosecution has been taken against the father to bring the case into Court, the Director of Child Welfare or the Executive Officer of a Children's Society may bring the mother before a magistrate or judge of a Juvenile Court, who may require of her the same services respecting the child which the Act would authorize if the case were before him on a prosecution of the father.

S. 15 provides that every adoption agreement made before September 1, 1921, is made absolute, and any such agreement made after such date but prior to September 1, 1924, may be validated by a county court judge.

S. 16 provides for the further detention of a feeble-minded person

in custody, after the attainment of full age, if the circumstances so warrant.

S. 17 penalizes disclosure of information by officials obtained under any of the provisions of the Act.

Under s. 21 the Lieutenant-Governor in Council may appoint some competent person or persons to make an inquiry into the management and conduct of an institution, where it appears that the management of such institution is not such as to be in the best interests of the children in its care, or that such institution otherwise on grounds of the public interest should be the subject of public investigation.

Companies.—The principal Act is amended by c. 5 in several important respects:

The Lieutenant-Governor in Council is given power to vary any provision contained in the letters patent, supplementary letters patent, or, in the case of a company or corporation incorporated by special or private Act, to vary or extend the powers of the company or corporation to any objects not inconsistent with those set out in the Act of incorporation, so long as such variation or extension of powers is not contrary to the provisions of Part I of the Act.

S. 26 of the Act is repealed and three subsections substituted therefor: (1) No person is to hold office as a director unless he is a shareholder absolutely in his own right and not in arrear in respect of any call, and when any director ceases to be such a shareholder, he is thereupon to cease to be a director. (2) Persons holding shares in trust may be directors, and when such directors cease to hold shares in trust they are thereupon to cease to be directors. (3) Persons holding shares in trust may be directors without personal liability (to be borne by the trust estate) for employers' wages.

An officer of a trust company may be a proxy to represent shares of a trust estate.

Directors absent from and resident outside the Dominion of Canada may appoint representatives.

The amending Act recasts provisions for reorganizing a company's capital.

The Court of King's Bench is empowered to give effect to a compromise between a company and its shareholders.

Distress.—The principal Act as amended by c. 55 of the Consolidated Amendments, 1924, is further amended by c. 9. The amendment is intended to prevent tenants agreeing to waive their exemptions in certain cases, and provides that every agreement in any verbal or written lease to waive or abandon an exemption from seizure or a benefit, right or privilege of exemption from seizure under the Act and every arrangement, contract or bargain, verbal or written, under seal or otherwise, collateral to a lease and any chattel mortgage as security for a lease, made or entered into, with or without valuable consideration, whereby an attempt is made to prevent any person from claiming any benefit, right or privilege of exemption, under the Act, shall be absolutely null and void.

Dower.—It is provided by c. 10 that where the quarter section on which the dwelling is situated is separated from another quarter section by a road allowance, both quarters comprise the "homestead," and that where there are more than two quarters in a section the owner may

elect which goes with that on which the dwelling is located to make up the 320 acres of the "homestead."

Gasolene Tax.—C. 16 authorizes the rebate of the tax on gasolene, amounting to 3 cents per gallon, in cases where the gasolene has been used or consumed for any purpose other than in the operation of a motor vehicle or a pleasure motor boat.

Horse Racing Regulation.—C. 17 makes all running races subject to the Act. In any city, town, village or rural municipality horse racing may be held at one but not more than one race-course in each calendar year. No horse racing shall be for a longer period than three consecutive days, except in a city of more than 10,000 inhabitants.

S. 5 requires an interval of six days between meets. The Minister of Agriculture and Immigration must receive notice in writing of intention to hold a horse race meeting. The Act prescribes a certain procedure to be followed where there is more than one track in the municipality. No person under sixteen years of age, except when accompanied by his parent or guardian, shall be permitted to enter any race track during the course of any race meet where only running races are conducted; but there are exceptions for training purposes, agricultural societies, and harness races.

Income-tax.—S. 1 of c. 20 provides that the exemptions shall be as follows:

Two thousand dollars of income in the case of a married person or any other person who has dependent upon him and resident with him any of the following persons: (1) a parent or grandparent; (2) a daughter or sister; (3) a son or brother under twenty-one years of age or incapable of self-support on account of mental or physical infirmity; and one thousand dollars of income in the case of all other persons. A husband and wife shall receive but one exemption of two thousand dollars between them against their aggregate net income, and in case they make separate returns the exemption may be taken by either or divided between them.

The provision allowing a deduction of three hundred dollars for each parent resident with the tax-payer and dependent upon the tax-payer for support has been withdrawn, and the following deductions are allowed by the amending Act in addition to a deduction of five hundred dollars allowed for each child under eighteen: five hundred dollars for the maintenance of the following persons dependent on the tax-payer for support and respecting whom the tax-payer is not exempted under the last preceding section: (1) a parent or grandparent; (2) a sister, brother, son or daughter over eighteen years of age and incapable of self-support on account of mental or physical incapacity.

Transfers of property to avoid the tax are rendered inoperative. S. 5 prescribes a summary method of recovering tax arrears.

Industrial Disputes.—C. 21 is "An Act respecting the Investigation of Industrial Disputes within the Province," and provides that the Industrial Disputes Investigation Act of Canada shall apply in Manitoba.

Manitoba Insurance.—These amendments (cc. 23 and 24) enact in Manitoba the uniform provisions now in force in most of the Provinces, governing reciprocal inter-provincial deposits, and regulating insurers by reciprocal exchanges. The Insurance Department is transferred from the Treasury to the Minister of Public Works.

Liquor Appeals.—By c. 27 two or more of the judges of the Court of Appeal may be constituted the tribunal for the hearing of appeals.

Ss. 4 to 16 relate to the matters of procedure on appeals to the Court of Appeal and of procedure prior to the hearing of appeals. Ss. 17 to 27 relate to the hearing of appeals and the adjudication and carrying into effect judgments on appeals. S. 28 relates to corporations which appeal. Under s. 29 fines following conviction shall not be remitted to the Court of Appeal.

Government Liquor Control.—By c. 28 "Residence" where liquor may be kept is defined as follows:

(1) A private dwelling-house as defined in the Manitoba Temperance Act.

(2) A room in a boarding-house, lodging-house or hotel actually and exclusively occupied as a *bona fide* guest-room or dwelling or actually and exclusively occupied as a dwelling by the keeper or proprietor of such boarding-house, lodging-house or hotel:

(3) Any premises where a person resides either temporarily or permanently and in connexion with which the application for a permit has been approved,

(*a*) By the chief of police or the local provincial constable of the municipality in which the premises are located; or

(*b*) By the council of the municipality in which the premises are located, and shall be the place of delivery mentioned in the permit.

The personal appearance of accused at trial is required under s. 5. Where there is proof that an offence against the Act has been committed by any person in the employ of the occupant of premises, such occupant *prima facie* is deemed to be a party to the offence so committed.

S. 7 provides that if an inspector or peace officer on reasonable and probable grounds believes that a person is committing an offence against the Act, an arrest may be made without a warrant. Under s. 8 the sum of $100,000 of the profits of the Liquor Commission is made available for the enforcement of the liquor laws.

Mechanics' Liens.—C. 30 is an Act to amend the Mechanics' and Wage Earners' Lien Act. The title of the Act amended has been changed to read the Mechanics' Lien Act. The amending Act requires an address for service to be shown on every claim for lien, and provides that such address shall, after the registration of the lien, be the place at or to which services to be made or notices to be mailed under the Act, upon or to the lienholder, may be made or mailed. The period during which an action must be commenced to enforce a lien has been extended from ninety days to two years, but under the amending Act anyone interested can compel the lienholder to commence action by notice mailed him after thirty days following the registration of the lien. This right is extended to any person having or claiming a mortgage or charge upon or claiming any right, tithe or interest in and to any property in respect of which any claim of lien is registered. Such notice is to be forwarded by registered mail to the address for service of the lienholder and is to notify the lienholder that unless an action to realize the claim for lien, or in which such claim may be realized, is commenced and a certificate to that effect is registered within thirty days from the date of the mailing of the notice, the lien shall cease to exist. If an action is not so commenced and such certificate so registered within thirty days from the date of the mailing of the notice, the lien is thereupon to cease to exist.

Mortgages.—The amendment (c. 31) adds to the Act the provisions of s. 126 of the Real Property Act, and rules 259 and 260 of the King's Bench Act, that if a mortgagor in default remedies the default by performing the covenant under which the default has occurred or by paying such arrears as may be in default under the mortgage, together with costs, at any time prior to sale or foreclosure, he is relieved from the consequences of non-payment of so much of the mortgage money as may not then have become payable by reason of lapse of time.

Motor Vehicles.—By c. 32 special licences are required for motor-buses. The operation of motor-buses is subject to statutory provisions looking to public safety. S. 4 provides that no ray of light from headlights shall be thrown in a horizontal direction at a greater height from the ground than 42 inches in front of the motor vehicle when travelling on the highway. Every motor-bus shall be insured for such amount as will safeguard claims of passengers and owners of express or freight in case of collision, fire or other form of accident.

Municipal and Public Utility Board.—This Act (c. 33), consisting of 185 sections and divided into five parts, is to come into force on proclamation. Part 1 sets up the Board, its organization (chairman giving his full time, two members part time to the work) and general powers. Part 2 gives the Board powers with respect to Municipal and School Affairs. Part 3 in the main re-enacts the provisions of the Public Utilities Act. Part 4 provides for the regulation of sales of shares and other securities. Under this part salesmen of shares must be licensed by the Board which may require a bond to be put up and may cancel any licence issued by it and give publicity respecting securities to be sold in Manitoba. Individuals wishing to sell shares are required to obtain a permit from the Board. A purchaser of securities which are sold to him in violation of the Act may repudiate the sale and recover money he has paid from the salesman or the company. Special licences may be given recognized firms dealing in bonds. It is expressly provided that no licence is required by any person who sells or offers for sale any security in which a trustee may lawfully invest trust funds. S. 162 of the Act provides that no person, firm or corporation shall sell or offer or agree to sell, or directly or indirectly attempt to sell, in Manitoba, any shares, stocks, bonds or other securities of or issued by any company unless the company has first been approved by the Board as one the securities of which are permitted to be sold in Manitoba and a certificate to that effect issued in the form provided; but it is provided that s. 162 shall not apply to the sale of any debentures, bonds, stocks, or other securities of or issued, allocated, or guaranteed by any corporation, loan company or building society in the debentures, bonds, stocks, or other securities of which a trustee may lawfully invest any trust fund. Part 5 of the Act is miscellaneous, relating to reports of the Board, municipalities under administration by the Suburban Municipal Board, etc.

Seed Grain.—Part 1 of c. 49 relates to municipalities—Part 2 to unorganized Territory. Part 1 provides that within four months after the coming into force of the Act the Council of any rural municipality may borrow such sum as shall appear to be required, but not exceeding $50,000, for the purpose of furnishing seed grain to farmers therein who are unable to procure the same. Seed grain includes potatoes. Under s. 13 of the Act any municipality which has borrowed money for the

purpose mentioned above may expend the same to an amount not exceeding in value $500 for seed grain (excepting potatoes) or $100 for seed potatoes to any one individual. In no case is any money to be given or lent to any individual for the purpose of procuring seed grain or seed potatoes. S. 18 relates to the security which a farmer furnishes to a municipality for an advance of seed grain. A copy of any promissory note given by a farmer for seed grain may within thirty days be filed in the office of the Clerk of the County Court and the municipality is given a first and preferential lien upon the crop grown on the land upon which the grain is sown, with the same priority and effect as a seed grain chattel mortgage registered under the Bills of Sale and Chattel Mortgage Act. It is further provided that the amount of such promissory note may also be entered in the collector's roll against the land and the amount thereof and interest may be collected as a special rate assessed upon the maker of such note and shall be a lien and charge upon such land. In the case of advances made by municipalities with the consent of the first mortgagee, such charge is given precedence with taxes over all other encumbrances against such land. In all other cases such charge is given precedence over all other encumbrances against the land except taxes and any mortgage which is registered as a first mortgage against the land at the time when a copy of such note is filed in the office of the clerk of the county court.

Under Part 2 the Minister of Agriculture may spend up to $25,000 for the purchase of seed grain for use in unorganized territory. Each farmer who purchases seed grain under the provisions of this Part is limited in his purchase to seed not exceeding in value the sum of $150 and is required to execute a promissory note in favour of His Majesty in the Right of the Province of Manitoba for the purchase price, together with interest at 7 per cent. Such promissory note, when delivered to the Minister of Agriculture, is (*a*) except as to taxes and except as to any first mortgage registered prior to the date of the promissory note, from the date thereof, if any case other than a homesteader, the first lien and charge upon the interest of the farmer in the land set forth in the application and promissory note as being that upon which the farmer intends to use the seed grain applied for; and (*b*) from the date thereof the first lien and charge upon the crops grown in the year 1926 upon the land set forth in the application and in the promissory note.

Succession Duties.—By c. 50 no succession duty shall be payable on bequests to hospitals.

War Relief.—C. 57 came into force on November 1, 1926. It provides for the repeal of the War Relief Act, 1918, in respect to all persons excepting pensioners and dependents. After December 31, 1927, the protection afforded to pensioners and dependents is to apply only to the homestead of and actually resided upon by such pensioners and dependents.

S. 5 of the amending Act empowers a judge, upon the application of any vendor, mortgagee or tax-sale purchaser, or other person, firm or corporation having a charge or security on land, after considering all the circumstances of the case and the position of all the parties, by order to dispense with any or all of the protection contained in the 1918 Act and in the amending Act, and permit any action or proceedings to be resumed, commenced, carried on or taken upon or under the agreement for sale or other document in question, upon such terms and conditions

as he may think fit; but this section is not to apply to the protection afforded to pensioners and dependents. The effect of s. 5 would appear to be a nullity in view of the subsection which provides for the repeal of the War Relief Act, 1918, in respect to all persons excepting pensioners and dependents.

S. 6 is important and is as follows:

Notwithstanding anything in this or any other Act contained no action shall be brought at any time hereafter in any of the civil Courts of this Province to recover a judgment upon the personal covenant to pay contained in any mortgage or agreement of purchase of land or agreement relating thereto against any person who at the time of the passing of this Act had under the War Relief Act, 1918, and amendments thereto, protection against such action. Provided, however, that nothing in this action shall of itself be construed as prohibiting the bringing and completing of an action of foreclosure under any mortgage or proceedings by way of sale under the power contained in any mortgage or of foreclosure or cancellation under any agreement of purchase; but in no such action shall judgment upon the personal covenant to pay be given contrary to this section.

S. 7 provides that nothing in the said War Relief Act, 1918, or any amendments thereto or in this Act, shall apply to any contract, express or implied, entered into or made by a person for whose benefit the said War Relief Act, 1918, amendments thereto were passed, after he became so entitled, nor shall either or any of said Acts apply to any contract entered into by a discharged soldier after he has been granted his discharge and the same has become effective.

Wheat Board Money Trust.—By c. 58 $128,800 received by the Province out of the surplus of the Dominion Wheat Board is vested in trustees for the advancement of co-operation among agricultural producers in Manitoba.

5. NEW BRUNSWICK.

[*Contributed by* M. B. Dixon, Esq., K.C.]

Acts passed—84; Public—45; Private—39.

Appropriation.—Act No. 1 provides $693,422 for civil government, and by No. 2, $897,900 for roads and bridges and public works is provided.

Highways.—Act No. 3 provides for the classification of roads. The Governor in Council is to appoint highway, bridge, and district engineers and structural superintendents and the Minister may establish and maintain a patrol system. Provision for the assessment and collection of taxes is made, and also for the laying out of highways and private roads, breaking roads in winter, penalties for obstructing highways, the protection of bridges and for signs along highways.

Motor Vehicle Law.—Act No. 4 provides for the registration and licensing of motor vehicles. It also regulates the rate of speed on streets and highways and provides for the licensing of chauffeurs. Penalties are imposed for violation of the provisions of the Act. Regulations may be made by the Governor in Council.

Illegitimate Children.—Act No. 5 defines the powers of a magistrate and the proceedings in the case of a single woman being delivered of a child, and the proceedings before a judge after the hearing before a magistrate. It also sets out the liabilities of a putative father.

Theatres, Cinematographs, and Amusements.—By Act No. 6 the Governor in Council may make regulations for licensing and regulating the performances, the construction of the building and other matters which may be deemed necessary and shall appoint a board of censors and an inspector.

Assignment of Book Debts.—By Act No. 9, all assignments must be in writing and must be registered.

Intestate Succession.—The principal changes made by Act No. 10 are, that in case a man dies intestate leaving a widow but no children, the widow takes the whole estate up to $20,000; if the estate exceeds $20,000, one-half the excess goes to the widow and the other half to the next of kin. Illegitimate children shall inherit from their mother.

The Acts not above referred to are of minor importance and chiefly slight amendments to other Acts.

6. NOVA SCOTIA.

[*Contributed by* F. F. Mathers, Esq., *Deputy Attorney-General.*]

1925.

Industrial Peace.—C. 1 makes a strike or lock-out unlawful unless the dispute between an employer and any of his employees has been first submitted to and dealt with by a Board of Conciliation and Investigation, and with regard thereto is similar to the Industrial Disputes Act of the Dominion of Canada, commonly known as "The Lemieux Act." However, the Industrial Peace Act, 1925, further provides for the constitution of a permanent Arbitration Commission for the settlement of industrial disputes. If within one month after the filing of a recommendation by a Board of Conciliation the parties to the dispute fail to agree to be bound by the recommendation of the Board, any of the parties to the dispute, or the Governor in Council, can apply to refer the dispute to the Arbitration Commission for settlement, and the award of the Arbitration Commission will be final, and can be made an Order of the Supreme Court, and can be enforced by execution, attachment or otherwise as the Supreme Court may order. Penalties are provided in the case of any employer or employee who commits any breach of the award.

Life Insurance.—The Conference of Commissioners on Uniformity of Legislation in Canada drafted and recommended for adoption by each of the Provinces of Canada an Act respecting the law relating to contracts of life insurance. C. 2 follows the recommendation of the Conference, and a similar Act has been passed by every Province of Canada except the Province of Quebec.

Contributory Negligence. — The purpose of c. 5 is to enable the Court to award damages in an action for negligence where at common law a plea of contributory negligence would have been an answer to the action, provision being made for assessing the entire amount of damages to which the plaintiff would have been entitled had there been no contributory negligence, and the degree in which each party was in fault, and the manner in which the amount of damages found should be apportioned. There is similar legislation in the Province of Ontario and some of the other Provinces.

Companies.—The Nova Scotia Companies Act resembles the English Companies Act. C. 70 amends c. 174 Revised Statutes, 1923, and authorizes the incorporation of companies under the Nova Scotia Companies Act with shares having no nominal or par value.

None of the eighty-two Public Statutes passed in the year 1925, except those above mentioned, appears to be of any interest with regard to Comparative Legislation.

1926.

Contributory Negligence.—C. 3, which is in the form recommended by the Conference of Commissioners on Uniformity of Legislation in Canada, repeals c. 5 of 1925. The present Act has the same purpose but follows the wording of the law respecting collisions between ships. The Courts appear to have interpreted both Acts to have no application except where at common law the negligence of both parties contributed to the accident, and therefore neither could have recovered against the other; in other words, where the proximate cause of the accident was the negligence of one of the parties the Act had no application.

Industrial Disputes Investigation.—The Industrial Peace Act, 1925, is repealed by c. 5, which permits the use of the Industrial Disputes Investigation Act of Canada in disputes that are under the jurisdiction of the Provincial Legislature.

Immigrant Children.—Provision is made by c. 7 for supervision over organizations or agents carrying on the work of placing immigrant children in this Province.

Motor Vehicles.—C. 32, amending the Motor Vehicle Act, c. 76, Revised Statutes, 1923, requires that every person other than a licensed chauffeur shall hold a licence before operating a motor vehicle on any public highway.

None of the sixty Public Statutes passed in the year 1926, except those above mentioned, appears to be of any interest with regard to Comparative Legislation.

7. ONTARIO.

[*Contributed by* JOHN D. FALCONBRIDGE, ESQ., K.C., *Dean, Osgoode Hall Law School, Toronto.*]

Acts passed—124: Public—73; Private—51.

The third session of the sixteenth Legislature of Ontario began on February 10 and ended on April 8, 1926. The annual volume of statutes contains 686 pages, of which 503 are occupied by public Acts. Many of these public Acts are merely consolidating Acts, passed on the recommendation of the commissioners who are charged with the preparation of the forthcoming Revised Statutes of Ontario, 1927.

Legislative Assembly.—An important change in constitutional practice is made by the following provision (c. 5):

> Notwithstanding anything in any Act where a member of the Assembly is appointed a member of the Executive Council (that is, the provincial cabinet) within three months after the day fixed for polling at a general election and before the opening of the first session held after such date, he shall not, by reason of the acceptance of such appointment, vacate his seat or be disqualified from sitting or voting in the Assembly.

Prescriptive Right to Light or Air.—It is provided (c. 21, s. 17) as follows:

No person shall acquire a right by prescription to the access and use of light *or to the access and use of air* to or for any dwelling-house, workshop or other building, *but this section shall not apply to any such right acquired by twenty years' use before the 5th day of March*, 1880.

The words in italics are new.

Mode of Administering an Oath.—It is provided (c. 21, s. 18) as follows:

Where an oath may be lawfully taken it may be administered to any person while such person holds in his hand a copy of the Old or New Testament without requiring him to kiss the same, or when he objects to be sworn in this manner or declares that the oath so administered is not binding upon his conscience then in such manner and form and such ceremonies as he may declare to be binding.

There is also a provision that a person who objects to be sworn on any one of several stated grounds may make an affirmation and declaration, which shall have the same effect as an oath.

Vendors and Purchasers.—An important amendment (c. 41) with regard to the rights and obligations of vendors and purchasers who contract to sell and buy land without making provision as to proof of title, producing abstract of title, deeds, etc., is as follows:

Every contract for the sale and purchase of land shall, unless otherwise stipulated, be deemed to provide that:

(*a*) The vendor shall not be bound to produce any abstract of title, deed, copies of deed or any other evidence of title except such as are in his possession or control;

(*b*) The purchaser shall search the title at his own expense, and shall make his objections thereto within thirty days from the making of the contract;

(*c*) The vendor shall have thirty days in which to remove any objection made to the title, but if he is unable or unwilling to remove any objection which the purchaser is not willing to waive, he may cancel the contract and return any deposit made, but shall not be otherwise liable, to the purchaser;

(*d*) Taxes, local improvement rates, insurance premiums, rents and interest, shall be adjusted as at the date of closing;

(*e*) The conveyance shall be prepared by the vendor and the mortgage, if any, by the purchaser and the purchaser shall bear the expense of registration of the deed and of the mortgage, if any;

(*f*) The purchaser shall be entitled to possession or the receipt of rents and profits upon the closing of the transaction.

8. PRINCE EDWARD ISLAND.

[*Contributed by* W. E. Bentley, Esq., K.C.]

1924.

Acts passed: Public—18; Private—17.

Roads.—The previous legislation on the subject of roads and highways was repealed and consolidated by c. 1. The Commission of Public Works has supervision and general control over the laying out, opening, altering, building, maintenance and repair of the roads and highways and of the building, maintenance and repair of all bridges in the Province. Each school district is constituted a road district, over which a Road Master is appointed whose duties include collection of road

taxes, inspection of roads and smaller bridges and making expenditures on repairs. Provision is made for commutation of road taxes by labour to be performed upon the highways under the Road Master's direction.

Highway Improvement. — By c. 2 additional authority is given to raise the sum of $750,000 on provincial debentures, the money to be expended in permanent improvement of highways, under the Canada Highways Act.

Land Assessment.—C. 3 is a consolidation of the Statutes relating to land taxes. It authorizes the imposition and collection of a tax of one-half of 1 per cent. on the assessed value of lands for purposes of provincial revenue.

Income and Personal Property Taxation.—Taxation of income for provincial purposes is authorized by c. 4, the rate varying from 1 to 10 per cent. according to the amount of income. Exemption is allowed of income up to $500. Personal property is subjected to a tax at the rate of one-half of 1 per cent. on assessed value.

Gasolene Tax.—By c. 5, vendors of gasolene within the Province are required to pay a provincial tax at the rate of two cents per gallon upon the gross sales of gasolene sold for the first time within the Province after its manufacture within or importation into the Province.

Temporary Loans. — The provincial government is authorized by c. 6 to receive money on temporary loans and to pay thereon interest at rates not exceeding 5 per cent. per annum.

Public Schools.—By c. 7 additional powers are given public school trustees in the imposition and collection of taxes for public school purposes. Disturbances at school-meetings or in or near public schools are penalized.

Jurors and Juries.—By c. 8 reduction is made in the number of grand-jurymen from twenty-four to twelve. The venire of petit-jurymen to be reduced from thirty-six to twenty-four, unless the larger number is required by order of a judge. In civil jury cases the number of jurymen is seven, either party having the right to four peremptory challenges. Special juries may be ordered upon application of litigants.

Life Insurance.—By c. 9 the Island Legislature adopted the Life Insurance Act, the model form of which had been approved and recommended by the Conference of Commissioners on Uniformity of Legislation in Canada in September 1923.[1]

Children of Unmarried Parents.—By c. 10 provision is made for the maintenance of children born out of wedlock. Application for an affiliation order may be made by (1) the mother either before or after the birth of the child ; (2) the next friend or guardian of the child ; (3) any person who has supplied medical attendance, nursing or hospital accommodation to the mother during pregnancy or confinement ; (4) the custodian of the child or any person who has undertaken its care and education or has supplied it with necessaries ; (5) any person who has incurred the funeral expenses of the mother or the child ; (6) the Provincial Guardian. Maintenance may include (*a*) the mother's care and maintenance and medical expenses for a period before and after birth ; (*b*) the child's maintenance until sixteen years of age, by payments not to exceed $100 per annum, or in lieu thereof a lump sum not exceeding $750 ; (*c*) burial expenses of the mother if she died at or in consequence of the child's birth ; (*d*) burial expenses of the child if it

[1] This Act has been adopted by all the Canadian provinces except Quebec.

dies before affiliation order made. An affiliation order may be made against more than one person where paternity is doubtful. The amount ordered may subsequently be varied.

Assignment of Book Debts.—By c. 11 provision is made for registration of certain assignments of book debts, which, if unregistered, are to be invalid against creditors of the assignor or subsequent purchasers or mortgagees of such debts.

Rule of the Road.—By s. 5 of c. 12, driving to the right is made compulsory after May 1, 1924. This rule is now uniform throughout Canada and the United States.

Pensions to Public School Teachers.—By c. 13 a system of pensions to public school teachers is established, payable after thirty years' teaching service, or after twenty years if thereafter incapacitated through accident or illness.

1925.

Acts passed—28; Public—14; Private—14.

Succession Duties.—By c. 5, succession duty is payable as follows:

(*a*) On property passing to decedent's wife or child or both, if the estate is under $10,000, it is exempt:

If the estate is over $10,000, the rate is 1½ per cent. on estate between $10,000 to $20,000; 2½ per cent. on estate between $20,000 to $50,000; 5 per cent. on estate over $50,000;

(*b*) On property passing to a decedent's father, mother, brother, sister, grandchild, nephew, niece, daughter-in-law, son-in-law, husband, or to wife who is without children by deceased living at his death; if estate is under $5,000 it is exempt from duty. If over that amount the rate is:

1. 2½ per cent. on estate between $5,000 and $10,000;
2. 5 per cent. on estate between $10,000 and $20,000;
3. 7½ per cent. on estate between $20,000 and $50,000;
4. 10 per cent. on estate over $50,000.

(*c*) If estate passes to persons other than those named, if the estate is under $3,000 it is exempt from duty. If over $3,000, the rate is:

1. 10 per cent. on estate between $3,000 and $10,000;
2. 12 per cent. on estate between $10,000 and $50,000;
3. 15 per cent. on estate over $50,000.

Bequests for charitable, religious or educational purposes, to be carried out within Prince Edward Island or by a corporation or person resident therein, are exempt from duty.

Extra Provincial Corporations.—By c. 6, persons within the Province owning shares in any corporation incorporated or having its head office without the Province, are required to give notice of that fact to the Provincial Treasurer, with certain particulars. The Provincial Treasurer shall keep a register book of such shares and on the death of the owner domiciled within the Province the personal representative must give notice to the Provincial Treasurer and upon payment of the succession duty and production of the Provincial Treasurer's receipt therefor at the office of the corporation within the Province, the corporation shall cause a new certificate to be issued.

Supreme Court.—By c. 7, material changes were proposed to be made in the practice of the Supreme Court. The Act provides that it

shall not come into force until after a day to be appointed by Proclamation based upon an order of the Lieutenant-Governor in Council. No Proclamation has yet been made.

Coroners.—By c. 8, the Acts relating to the appointment and duties of coroners are repealed and consolidated.

Winding Up.—By c. 9, provision is made for the voluntary winding up of corporations (*a*) Where the period of a corporation's duration fixed by its instrument of incorporation has expired ; or where the event has occurred, upon which, according to its instruments of incorporation it is to be dissolved, and the corporation has passed a resolution requiring that it be wound up. (*b*) Where the corporation in general meeting called for the purpose has passed a resolution that it be wound up. (*c*) Where the corporation in general meeting has passed a resolution that it cannot by reason of its liabilities continue its business and that it is advisable to wind it up.

1926.

Acts passed—32 ; Public—9 ; Private—23.

Elections.—By c. 1 the right to vote at provincial elections is extended to women over twenty-one years of age, and who are otherwise qualified.

Gasolene Tax.—By c. 5 the tax for provincial purposes fixed at three cents per gallon is imposed on all gasolene purchased or delivered. Exemptions are made in the case of farmers, fishermen, operators of stationary engines, and gasolene purchased for export.

Employment of Prisoners.—By c. 6 imprisonment under any statute in force in the Province shall be construed to be with hard labour. Directions for employment of prisoners may be given by Order in Council.

Marriage.—By c. 7 the Acts relating to solemnization of marriages are consolidated.

9. QUEBEC.

[*Contributed by the* Hon. Mr. Justice Fabre Surveyer.]

Acts passed—132 ; Public—70 ; Private—62.

The public laws of the Province were consolidated in the Revised Statutes of 1925. Of the seventy Acts passed in 1926 and described as public Acts, fifty-one amend the Revised Statutes, two repeal its chapters relating to Workmen's Compensation, and one, entitled the Outside Service Act, forms a new chapter (10–A) of the Revised Statutes. The other so-called public laws are mostly acts ratifying contracts entered into between the Government and religious communities for the care of the insane, the management of industrial schools, etc.

Public Service Commission.—By c. 16, amending R.S. (1925), c. 17, no public service shall, after March 24, 1926, begin the construction or operation of any line, plant or system, or of any part or extension thereof, without first having obtained the approval of the Commission.

Under the Act, a public service is a company operating : telegraphs, telephones, railways, tramways, passenger boats, motorbuses, light, water or power plants, or sewers, except when such services are per-

formed by a municipal or school corporation. Every public service must forward to the Commission schedules of all its rates, fares, tolls, rentals and charges to all its customers, together with copies of all its classifications, rules and forms of contract. It cannot increase its prices except upon approval of the Commission. The Commission may, of its own motion or upon complaint, modify such tolls, rentals or charges as appear excessive or insufficient. No public service can discontinue its operations without the approval of the Commission.

The Commission is also given jurisdiction in certain matters under the Quebec Railway Act, transportation of goods by railway companies, the placing of rails by a public service on public roads, agreements and contestations between public services and municipalities regarding the extension of the former's system, contestations as to the right of floating timber on rivers, expropriations in the cities of Quebec and Montreal, contestations relating to tramway rates and operation, and in all matters where jurisdiction is given to the Commission, under any general or special Act, or by agreement between a public service and a municipality. It may, upon reference by the Cabinet, hold investigations into the assets and liabilities of an estate for the purpose of establishing the death duties. It may also award indemnities for the flooding of lands for water power purposes, and enact regulations concerning motor-buses.

Motor Vehicles.—The subject is dealt with in chapters 19, which is an amending Act, and 20, entitled the " Motor Vehicle Ownership Act." The latter provides for the registration of motor vehicles, and of any transfer of ownership thereof ; it authorizes the officers of the Registration Bureau to examine any motor vehicle in order to see whether its serial or engine numbers have been changed, and the Bureau may confiscate any such motor vehicle the owner of which does not prove to the satisfaction of the Bureau, within two months from the seizure of his motor vehicle, an uninterrupted succession of acquisition titles, beginning with the original sale by the manufacturer. Such confiscated cars may be sold by the Department for the benefit of the Province, after advertisements in the *Quebec Official Gazette* and in local newspapers.

Lands and Forests. Water Courses.—By cc. 24 and 25, a lease granted under either of the two above mentioned Acts entitles the lessee to take possession of the leased lands, sue for trespass in his own name and recover any damages he may have suffered.

Exportation of Hydro-electric Power.—By c. 26, every sale, lease, or grant of water-powers belonging to the Province, made after March 24, 1926, every contract authorizing the installation or passage of transmission lines in or over the Crown domain, and every authorization given by the Public Service Commission shall contain a clause prohibiting the exportation, outside of Canada, of electric power which may be developed in the Province. Every violation of the Act shall, at the demand of the Crown, annul the contract. The Act applies to existing contracts, unless reported to the Minister of Lands and Forests within three months from March 24, 1926, and to any renewal of such contracts.

Mining.—C. 27 contains a few amendments, and an important addition to the existing laws. It authorizes the Cabinet to appoint a Mining Commissioner, who must be a member of the Bar of ten years' standing, with a salary not exceeding $6,000 a year. The Commissioner may decide any dispute relating to mining lands, claims, licences or con-

cessions, miners' certificates, boundaries of mining claims, transfers of mining claims or licences, etc. Either party may, ten days or more before the date set for hearing, apply to a judge to have the matter transferred to the Superior Court. The Commissioner cannot cancel any letters patent issued under the Act : he is *ex officio* a justice of the peace.

Proceedings are started by means of a petition. Upon the receipt of the petition, the Commissioner shall issue an order setting forth briefly the contentions of the applicant, and a copy of such order, fixing the place and date of hearing, shall be served upon the interested parties. A non-resident petitioner may be required to give security for costs. Commissions may be issued for the taking of evidence. The commissioner may ask for technical advice. An appeal to the Court of Appeals lies from every final decision of the Commissioner. No Commissioner has as yet been appointed.

Game Laws.—By c. 29, a royalty, to be fixed by the Cabinet, is payable by any person in possession of skins or furs of animals hunted or killed within the Province. Upon payment of the royalty, the skins or furs are marked. Unmarked skins or furs may be confiscated ; they are presumed to be those of animals killed or taken in the Province.

Workmen's Compensation.—C. 32 repeals c. 274 of the Revised Statutes. The main changes are the fixing of a compensation of two-thirds, instead of one-half, of the yearly wages of the victim ; the amount granted to the widow and dependents, in case of death, is also increased, and $100 allowed for funeral expenses ; but the privilege of applying for a lump sum, instead of a rent, is cancelled in every case. Medical and hospital expenses are also allowed. The employer must, within thirty days of an accident, report the same to the Minister of Public Works and Labour, under pain of a penalty of $25 to $100, failure to pay which may cause the imprisonment of the employer, and, in the case of a company, of its president and manager, for a maximum of thirty days. Notice of an accident must be given to the employer, within thirty days, by the injured person and the attending physician, who may be deprived of their right of action for failure to report, unless their excuses are deemed sufficient by the judge. Every employer, except the Crown, must insure or deposit a surety bond, under penalty of a fine, and of imprisonment if the same is not paid. No retention of wages for purposes of insurance against accidents is allowed. The injured person, and on his default, his employer, may claim from the party liable for the accident. Proceedings are by means of petition to a judge, who may refer the matter to the Court. Only one expert witness may be produced on either side. Lawyers' costs are taxed, but lawyers cannot collect more than their taxable costs under pain of contempt of Court. Whenever the amount in dispute exceeds $200, an appeal shall lie to the Court of King's Bench, composed of five judges, on questions of law only. The Court or judge may, before judgment or pending the appeal, allow a provisional weekly allowance. There shall be no trial by jury. The claim is outlawed by one year. A petition to revise the amount of compensation, based on the alleged aggravation or diminution of the disability of the victim, may be taken during the two years next after the date of the final judgment. Workmen engaged in the Province to go and work outside the limits are not entitled to the benefit of the Act if they are entitled to the compensation

provided for by the local law. The Act does not apply to accidents happening before April 1, 1927. It has since been suspended from coming into operation for the present.

Municipal Affairs.—By c. 34 a municipality may grant to an industrial or commercial establishment, for a period not exceeding ten years, a commutation of taxes, which commutation shall not be lower than 25 per cent. of the annual taxes payable by such establishment. The by-law authorizing such commutation must be approved by the electors who own taxable real estate, and by the Cabinet.

Controverted Elections in Cities and Towns.—C. 36 introduces a new procedure to contest the election of mayors or aldermen, and prohibits the *quo warranto*, except for absence of qualification. The writ of summons must be served within thirty days after the proclamation of the election. It is not issued, unless a deposit of $500, to cover the costs, has been made with the clerk. The delays are those of summary actions. The Court or judge has all the powers conferred by the Quebec Controverted Elections Act with regard to the examination of ballot papers. No appeal is taken from interlocutory judgments, but, if taken exception to, they may be revised by the Court of Appeals together with the final judgment. The Court may, by its judgment, confirm or annul the election or declare that another person has been duly elected. If such judgment is based solely on corrupt acts, it cannot be rendered unless it be proved that such corrupt acts have had the effect of changing the result of the election.

Cities and Towns.—By R.S. (1925), c. 102, municipal councils may make by-laws to prohibit or to regulate the location of unwholesome or noxious establishments, to prohibit the erection or occupation of any offensive buildings in any place or site where they may damage the neighbouring property and to determine the localities where certain manufactories or occupations may be carried on. Nevertheless, by the amending Act (c. 37) in the case of industries established for more than five years in a municipality, the power of regulation is limited to the authorization or confirmation of the location of such industries, and no person may prevent or limit the operation of such industries by way of injunction or any other legal proceedings, if such industries have been so authorized by municipal by-law, the recourse of the person aggrieved being restricted to a claim for damages.

Educational Fund.—By c. 45, in order to create an educational fund, wholly intended to assist education in the Province, the Cabinet may impose and levy a duty of not more than ten cents per cord of wood intended for the manufacture of pulp and paper, taken from the public lands of the Province. Such duty, payable by the timber limit holder, may be increased to fifteen cents if the wood is manufactured outside of the Province. It may also impose and levy annually a duty of not more than one-half of 1 per cent. on the gross income of every person, company or corporation, developing electric power from the water powers of the Province, held under titles from the Crown, when such power is used in manufacturing the products from the forest ; also a duty of not more than ten cents per horse power developed and utilized from the water-powers held under titles from the Crown.

Public Charities. — By c. 55, in order to assist the hospitals and charitable institutions, a duty of 5 per cent. is imposed upon the price of each meal costing, with the beverages consumed therewith, one dollar

or over, served to the public in a hotel or restaurant, in cities or towns; the proceeds of this duty shall be turned over entirely to the Public Charities Fund. In addition, every city or town municipality of the Province is authorized to impose and levy, in addition to any tax which it is empowered to impose, an additional tax to assist the hospitals and charitable institutions therein established. The proceeds of such tax shall be paid over to the Quebec Bureau of Public Charities, but shall be entirely applied to the institutions in the municipality which collected and paid over the same, recognized as public charitable institutions by the Government. Such tax, when once imposed, shall not be repealed or diminished without the consent of the Cabinet.

Lunatic Asylums.—C. 56 amends various sections of the Lunatic Asylums Act (R.S.Q., 1925, c. 190) by providing for the cost of maintenance of pauper lunatics, including insane prisoners.

Bar of the Province of Quebec.—By c. 57, the General Council of the Bar of the Province of Quebec is given the power to appoint an assistant secretary-treasurer who may replace the secretary-treasurer when the latter is unable to act through illness, absence or otherwise, and to provide for his remuneration.

By c. 58, the Solicitor-General of Canada is, during the time he holds such office, considered an honorary member of the Bar and as such entitled to appear before all courts in the Province.

Companies Act.—C. 60 modifies the existing Acts with regard to conversion of shares.

Reciprocal Insurance.—By c. 61, notwithstanding any law to the contrary, it becomes lawful for persons, firms, companies and corporations to exchange, enter into and carry out reciprocal contracts of indemnity or inter-insurance to provide indemnity against loss by fire or other contingency, provided that the parties to such contracts have complied with the provisions of the Corporation Tax Act (Revised Statutes, 1925, c. 26).

Mortmain.—C. 63 validates the acquisition or mortgaging of real estate upon obtaining a permit from the Provincial Secretary. S. 3 amends s. 2 of the Mortmain Act which reads as follows:

> Every company incorporated and existing in Great Britain (including the Channel Islands and the Isle of Man), in the United States of America or in Canada, shall have the right to acquire and hold any lands and immoveable property in this Province, for its occupation or the prosecution of its business only, any law to the contrary notwithstanding.

by adding thereto the following paragraph:

> Such companies, when authorized under their charter or the law governing them, have and always have had the right to alienate and hypothecate their immoveable property without it being necessary for them to obtain the special or general permit provided for in Division II of this Act.

Trustees' Investments.—By c. 64, trustees are authorized to invest in stock or debentures guaranteed by the Government of the Dominion or of the Province.

Discovery.—By c. 65, the following provision is added to s. 286 of the Code of Procedure:

> Before defence fyled, upon the application of the defendant supported by affidavit that such application is made in good faith and in no way for

the purpose of unjustly delaying the case, the judge or, in his absence, the prothonotary may order the plaintiff to appear before him to be examined as a witness upon all facts relating to the action; the delays for pleading shall thereupon be suspended and shall only begin to run from the date of such examination. This provision shall not apply to summary matters nor to suits instituted in a Court other than the Superior Court.

10. SASKATCHEWAN.

[*Contributed by* R. W. Shannon, Esq., K.C.]

The Summary of legislation for the 1925–6 session was published in the last *Review*.[1]

11. NEWFOUNDLAND.

[*Contributed by* the Minister of Justice.]

Promulgation and Construction of Statutes.—C. 1 enables Bills and Acts of the Legislature, Commissions or other public documents under the Great Seal or Privy Seal of the Governor, indictments, informations, deeds or other documents to be written, typewritten or printed on other than parchment. It also provides for the manner in which Bills of the Legislature shall be written, printed, bound and authenticated.

Hotel Facilities.—By c. 6 the Colony of Newfoundland guarantees the due payment by the Newfoundland Hotel Facilities, Ltd., of principal and interest at 6 per cent. of Mortgage Debenture Bonds to the amount of $450,000. The bonds are secured by a Trust Deed. The Act confirms a new agreement, that made under the Act of 1925 being declared of no effect. Last year's Act guaranteed principal only.

Commercial Cable Company.—C. 9 confirms a contract made with the Commercial Cable Co. under which landing, trenching and other incidental rights are granted to the Company for any of its through cables on terms and conditions as favourable to the Company as those under which any other cables present or future are granted landing rights and privileges, save and except the special privileges now enjoyed by the Anglo-American Telegraph Company.

Civil Service.—C. 12 deals with all persons in the Civil Service appointed by the Governor in Council on annual salaries and holding office during pleasure only, who are employed on full time and exclusively occupied in the service of the Colony. S. 2 provides that no extra salary or remuneration of any kind whatsoever shall be paid to civil servants as defined in the Act except for overtime to a member of the postal or telegraph service, or to a person who does work at the direction of the head or deputy head of a department out of office hours. Civil servants who are absent from duty without presenting a certificate of a medical practitioner lose one day's pay for each day's absence. The head or deputy head of a department may grant three weeks' holidays yearly.

S. 5 provides certain cases in which the head or deputy head of a department may suspend a civil servant. Persons suspended twice shall on the third offence be dismissed by the Governor in Council.

S. 6 permits the Governor in Council to grant an annual superannua-

[1] *Journal of Comparative Legislation*, Third Series, vol. ix, pt. ii, p. 72.

tion allowance to any person who has served ten years or more in the Civil Service and who has attained the age of sixty-five years, or who has been retired by the Governor in Council for incapacity through mental or physical infirmity. The Governor in Council may grant an allowance to any person whose office has been abolished. A person about to be retired is entitled to receive a month's notice in writing from the head of the department employing him, or in his absence the deputy head, and the Treasury Board after hearing such person, reports to the Governor in Council whether he is eligible within the meaning of this Act, and whether a superannuation has become necessary and the amount of the allowance to which such person is entitled. The superannuation allowance is calculated upon the average yearly salary and emoluments legally enjoyed during the last three years of the service in respect of which an allowance is permitted, at the rate of 2¼ per cent. for each year of service for a period not longer than thirty years in any instance. The Governor in Council is permitted to add to the actual number of years a civil servant has served as such for the purpose of fixing the amount of a pension as follows: In the case of a person who was forty or more years of age when appointed to perform technical or professional work, such further years not exceeding ten, as may be considered equitable, and in the case of a person who at the time of his enlistment in the Great War was a civil servant, and who has no war pension, the time he served in the said War, and if he has a war pension, such time, if any, as may be necessary to make the combined pensions equal to the pension he would have received if he had remained in the Civil Service while serving in the War.

Any person who receives a superannuation allowance and is under the age of sixty-five years and is not disabled by bodily or mental infirmity, may be called upon by the Governor in Council to fill, in any part of Newfoundland, any public office or situation for which his previous service renders him eligible, and which is not lower in rank or emolument than that from which he was retired.

The Governor in Council is permitted to give gratuities to any civil servant retired by the Governor in Council by reason of severe injury received without his own fault in the discharge of his public duty of such an amount as may seem suitable and proper, either by way of a lump sum or by instalments, and such gratuities may be paid to the person in respect of whose services it is allowed, or to his wife or children, or next of kin, or guardian or legal representatives, or to such person as the Governor in Council shall determine.

Every person retired from the Civil Service, but not dismissed for cause, shall receive one month's salary.

Superannuation allowances and gratuities are not subject to mesne or final process by creditors.

The Minister of Finance is required to lay before the Legislature at each session a statement of all superannuation allowances and all gratuities granted under the Act with particulars of rank, name, etc.

This Act does not apply to the Constabulary, the Fire Department, or employees of the Newfoundland Railway.

Quarantine.—C. 13 permits the Governor in Council to exempt any vessel entering any port in Newfoundland, for the purpose of landing sick or injured persons or the body of any person who has died, from the payment of quarantine dues.

Inspection of Foods.—This amendment (c. 14) to the Inspection of Foods Act enables the Board of Health Officers to apply the test known as the " tuberculin test " to cattle, to enter any farm for that purpose, to segregate any cattle, to prohibit the sale of milk, meat, etc., to compensate owners of condemned and slaughtered cattle, and to make regulations for the effective carrying out of the Act.

Newspapers and Books. — C. 15 repeals c. 69 of the Consolidated Statutes (3rd Series) dealing with Newspapers and Books. It provides that no newspaper shall be printed or published until an affidavit is filed in the office of the Colonial Secretary: in the case of a newspaper printed or published by an incorporated company, by the president, if any, or if none, by the chief executive officer of such company, and the chief editor of the newspaper, setting forth the capacity in which each is acting and giving a description of the building where the paper is to be published, and the title of such paper. The president of the company, and if none, the chief executive officer thereof, the directors, the printer, publisher, and the chief editor are declared to be jointly and severally liable for the publication of any libel contained in such newspaper. Similar affidavits have to be deposited with the Colonial Secretary in the case of papers not published by companies, by the printer, publisher, and chief editor of such paper. The printer, publisher and chief editor of such paper are also declared to be jointly and severally liable for the publication of any libel. Affidavits have to be deposited as often as the position of printer, publisher or editor and the title of the paper are changed. Persons recklessly making affidavits giving false information are liable for penalties to which persons are liable for wilful and corrupt perjury. In all civil or criminal proceedings such affidavits or copies thereof certified by the Colonial Secretary, or his deputy, shall be conclusive evidence of the facts contained therein.

Every newspaper shall contain, printed in some conspicuous place, the name and address of the publisher and printer. A copy of every newspaper shall be delivered at the Colonial Secretary's office within ten days of publication.

Any person printing any book or paper intended to be published or dispersed shall print upon the front of every such paper his name and address and the address of his printing establishment. This does not, however, apply to papers printed for the Government, or either branch of the Legislature, nor to any paper containing religious instruction only, printed or published by any clergyman.

S. 13 requires that the true name and address of the author shall be appended to every circular, pamphlet, placard, or other similar publication, every article or report in a newspaper not written by a *bona fide* member of its staff, and every letter in a newspaper containing any reference to the Governor, or other officer administering the government of the Colony, published at any time; and, to all publications and matter containing abusive, scurrilous, or defamatory references to a candidate for election in the House of Assembly, published between the date of a Proclamation for a general or by-election at which such candidate intends to stand and the return of the writ for such election. The editor, printer, and publisher of any newspaper, and the president and directors, or if none, the chief executive, of any company printing or publishing any newspaper in which any publication contrary to the Act is made, are declared to be offenders against this Act. Breaches of

any provisions of the Act are punishable by a fine not exceeding $500, which may be recovered summarily before a stipendiary magistrate with full costs of action. In default of payment the offender may be imprisoned for a period not exceeding three months. Appeal is given to the Supreme Court if notice is given within seven days and surety entered into.

Apportionment of Periodical Payments.—C. 16 declares that rents, annuities, dividends and other periodical payments in the nature of income shall, like interest on money lent, be considered as accruing from day to day and shall be apportionable in respect of time accordingly.

Workmen's Compensation.—C. 18 is an amendment of the Workmen's Compensation Act to increase the amount to be paid in case of death from $1,500 to $3,000. The employer is also declared to be liable for all medical and surgical expenses reasonably incurred by the workman as a result of injury. In cases where death does not result, weekly payments are increased from $5 to $10, and lump sums in redemption of the weekly payments are increased from $1,500 to $3,000.

Postal and Telegraph Services.—C. 20 is an amendment of the Postal and Telegraph Act to empower the Minister of Posts and Telegraphs to make regulations subject to the approval of the Governor in Council respecting the parcel post or other mailable matter between Newfoundland and the United Kingdom, or any British possession, or any foreign country, for establishing a system of "Cash on Delivery Packets," and also to establish a scheme of insurance or indemnity against loss or damage in respect of any parcel, packet or other mailable matter. The indemnity not to exceed $100 in any one case.

S. 2 of the Act increases registration fee on a letter or other mailable article addressed to any place outside of Newfoundland to 10 cents in addition to the ordinary postage, and increases the indemnity to be paid in case of loss of a registered article to $25.

S. 72 of c. 35 is repealed by s. 3, and under this a forgery of stamps or any International reply coupon is declared to be a felony and persons guilty thereof are subject to a term of three years' imprisonment with hard labour.

S. 4 makes it an offence to send by post any opium, morphine, cocaine, heroin, or any other drug or narcotic except in pursuance of a licence issued under the Dangerous Drugs Act, 1922, under a penalty of $1,000, or to imprisonment for six months, or to both fine and imprisonment.

S. 5 of the Act enables a charge of 10 cents to be paid on the delivery of every parcel received from abroad and containing dutiable goods.

Encouragement of Shipbuilding and Rebuilding.—C. 23 was passed for the purpose of enabling vessels of twelve tons to qualify for bounty, and enables the Governor in Council to make rules and regulations altering, varying or amending the Schedules A, B and C, relating to the construction of ships.

Railway and Shipping.—C. 24 enables the Governor in Council to appoint a Board of not less than three, nor more than five persons, to be known as "The Board of Railway Commissioners," who shall take over, operate and manage the Newfoundland Railway together with its equipment, also certain telegraph and telephone lines and certain ships operated and used in connexion with the railway system in Newfoundland, and also take over, operate and manage the St. John's Dry Dock together with all its equipment, and also take over, operate and manage

business usually carried on by Express Companies. This Board is a body corporate under the name of "The Newfoundland Railway," with a common seal, and shall be capable of suing and being sued in that name. It has to furnish a report of its operations and finances to the Legislature within ten days after opening of each session. Specific powers, duties and functions of the Board are set forth in the Act, and provisions are made as to legal proceedings for or against the Board, including special provisions as to rights of persons to recover for loss or injury to cattle (which includes horses, sheep and swine) killed or injured by train or engine. This Act provides for certain penalties or imprisonment for injury to the various properties, for breaches of regulations of the Board and for trespass to the person of its employees. The expenses incurred in connexion with the Board's operations shall be paid out of the receipts and revenues from such operations. In the event of a deficit occurring during a fiscal year (period from July 1 in any year to June 30 in following year) the amount of such shall be payable by the Minister of Finance out of the Consolidated Fund. The members of the Board known as Commissioners shall hold office during pleasure. Members of the House of Assembly may be appointed to the Board and receive pay without infringing the law or suffering the penalties under c. 4 of the Consolidated Statutes (3rd Series) entitled "Of Legislative Disabilities and the Vacation of Seats in the House of Assembly."

Old Age Pensions.—C. 27 provides that the widows (of age sixty-five years or over) of deceased pensioners shall be entitled as from July 1, 1926, to have their respective late husbands' pensions paid to them until death or remarriage.

Immigration.—C. 29 provides for additional restrictions and machinery in the administration of immigration law as heretofore embodied in c. 77 of the Consolidated Statutes (3rd Series) entitled "Of Aliens and Immigration." By this Act the meaning of "immigrant" is enlarged to include any passenger or other person on board any vessel arriving in this Colony. But this Act is not to apply to persons seeking admission into the Colony under the provisions of c. 79 of the Consolidated Statutes (3rd Series) entitled "Of the Immigration of Chinese Persons," nor to any British subject born in or domiciled in this Colony. This Act gives the Governor in Council power to establish Immigration Offices both within and without this Colony, and appoint Commissioners and other officers to carry out the law; but until these new appointments are made the Collectors of Customs at any port in this Colony shall perform the duties of and be deemed to be Immigration Officers, and the Minister of Finance and Customs has conditional authority for the appointment of subordinate officers. The duties of officers are to carry out the provisions of the law as extended by this Act, including Orders in Council, Proclamations and Regulations thereunder, and shall have the authority and power of constables to enforce the provisions of the Act relating to the arrest, detention or deportation of immigrants. This Act creates a liability on owners and masters of ships in certain cases as to immigrants brought into this Colony by them, and provides for penalties and how they may be recovered. This Act also adds other classes of persons who shall be considered undesirable immigrants.

Payment of Water Rates by Vessels.—C. 30 enables the Minister of Finance and Customs to remit the payment of water rates in whole or in part, notwithstanding the St. John's Municipal Act, 1921, to any

vessel entering the port of St. John's for the purpose of landing any person suffering from sickness or injury, or the body of any person who has died, when the same vessel may want only a partial supply of drinking or boiler water. If the same vessel should not want any water, she shall be wholly exempt from said rates.

Light Dues.—C. 31 exempts from payment of light dues any vessel entering any port in this Colony for the purpose only of landing any person suffering from sickness or injury, or the body of any person who has died.

Customs.—C. 32 provides for the appointment of a Board of Customs to consist of the Deputy Minister of Customs (or any officer acting as such), who shall be chairman of the Board, and such other qualified Officers of Customs as the Governor in Council may from time to time appoint. The Deputy Minister of Customs, or his substitute, together with two other members of the Board, shall be a quorum to transact the business of the Board at any meeting thereof called by the Chairman. The powers and duties of the Board shall be assigned to it by any Act of the Legislature or by the Governor in Council. Among the powers assigned is the fixing of rates of duty on classes of goods when any doubt exists as to the duty payable thereon, or declaring such goods exempt from duty, as the case may be, subject in each case to appeal by any person interested to the Governor in Council. This Act provides for the ascertainment of the value of goods subject to duty *ad valorem*, and repeals the former method. This Act also provides that the Board of Customs, or any customs officer, has similar power to the Minister of Finance and Customs, who may in certain cases order a fresh appraisement or valuation and may require an amended entry under s. 66 of c. 22 of the Consolidated Statutes (3rd Series). This Act further provides where persons are selected under s. 70 of the last-named chapter to review an appraisement which has been objected to by the importer of goods appraised, that the third appraiser selected by the Minister of Finance and Customs shall be one of the said Board. By this Act s. 203 of the said c. 22, dealing with forfeitures and penalties, is repealed, and a new s. 203 is substituted, whereby maximum penalties in money and by imprisonment are set forth, and which may be enforced in a summary manner before any stipendiary magistrate. This Act also provides an addition to s. 171 of said c. 22, so that the agent of any person doing business in connexion with the Customs be approved by the Board of Customs. Such agent shall until his authority is cancelled by his principal, and the Board of Customs be notified thereof, be deemed to be the agent of the person by whom he was appointed for any purpose under this Act. Orders in Council made under this Act must be published in the Newfoundland *Gazette*.

Taxation of State Enterprises.—C. 33 provides that should the Imperial Government or the Government of any part of His Majesty's Dominions do any trade or business in this Colony, said Governments shall be liable in the same manner as in the like case any other person would be, to all taxation for the time being in force in this Colony. But this is not to affect the immunity of the said Governments from taxation in respect of any income or property which is not connected with the trade or business aforesaid.

Tax on Imported Goods.—C. 34 amends the 1925 Act by declaring that the invoice cost of goods as referred to therein shall in all cases be

held to be the cost of the goods, free on board, at the seaport of the country from which they were exported directly to this Colony. It further amends the 1925 Act by adding to the enumerated articles in Schedule A: "Casks of Wood in which kerosene or refined oil is imported."

12. BERMUDA.

[*Contributed by* Sir Reginald Gray, K.C., *Speaker of House of Assembly.*]

Acts passed—46.

Carriage of Goods by Sea.—No. 1 amends the law in accordance with the draft Convention adopted at the International Conference at Brussels in October 1922 as amended by the Committee appointed by the Conference in October 1923.

Summary Offences.—No. 2 consolidates and amends the law relating to criminal offences punishable summarily.

Aliens.—No. 18 consolidates and amends four previous Acts relating to aliens, chiefly with regard to their acquisition of real estate, but partly with regard to their naturalization. The Act does not affect the provisions of the Convention between the United Kingdom and the United States of America relative to the disposal of real and personal property.

Children under Sixteen Years.—No. 20 increases the powers of Courts of Summary Jurisdiction in dealing with children convicted of offences, and with persons guilty of ill-treatment or neglect of children.

Midwives.—No. 37 provides for registration and training of persons practising midwifery.

Militia.—No. 38 consolidates and amends the law relating to the Bermuda Militia.

III. COMMONWEALTH OF AUSTRALIA.

[*Contributed by* Sir William Harrison Moore, K.B.E., C.M.G.]

Acts passed—52.

The Acts passed during 1926 are as to most of them interesting in a collective rather than an individual sense. They are a part of a system undertaken at the instance of a Government which is anxious to promote the economic development of the country, and is prepared to try a number of means of doing so, its facility for this being derived from the large revenue in its hands not required for the ordinary services of government. The various schemes of bonus, bounty, advances, loans to States, export, organization and the like, are devices familiar enough and not calling for notice in detail. A few of the more important or typical cases may be given. For the rest, there are a few other Acts which are significant of present policy.

Development and Migration.—Act No. 29 constitutes a Commission with important powers and functions in relation to the development of and migration to Australia. Under the head of development are set out the consideration of the development of the resources of the Commonwealth, by co-operation of Commonwealth and States or otherwise;

the investigation of the condition and development of existing industries and the possibility of establishing new industries ; the conduct of negotiations for these purposes, and the exercise of certain prescribed powers of control and supervision of works. Under the head of migration, the Commission is to examine any undertaking or scheme prepared by a State under the Migration Agreement between the British and Australian Governments of April 8, 1925, and to make recommendations thereon to the Commonwealth ; and to frame and submit to the Commonwealth other undertakings or schemes which appear to be of advantage to Australia. The important position assigned to the Commission in controlling the expenditure of money provided for development and migration under the Agreement is seen in the provision that no scheme submitted by a State shall be approved by the Commonwealth Government without the recommendation of the Commission or the resolution of both Houses of Parliament. The Commission has the appointment of its own officers, save that no person may be appointed at a salary greater than £500 a year without the sanction of the Government ; and it may appoint experts for such purposes as it thinks fit. The Commission itself is to consist of four persons, holding office for a term of years, and irremoveable within that term except for proved misbehaviour or incapacity.

Science and Industry Research.—Act No. 20 substitutes for the Institute of Science and Industry, established by an Act of 1920, a " Commonwealth Council for Scientific and Industrial Research." The statement of functions is in some particulars enlarged, *e.g.* the training of research workers, the carrying out of scientific investigation connected with standardization, and the acting as a means of liaison between the Commonwealth and other countries in matters of scientific research. The Council consists of three persons appointed by the Government, the Chairman of each of the State Committees provided for by the Act, and " such other members as the Council, with the consent of the Minister, co-opts by reason of their scientific knowledge." State Committees are to aid the Council in its work. The Council is with the approval of the Minister to appoint such investigators and committees of investigation as it deems necessary. The importance of the Act is indicated by the fact that the reorganization undertaken is accompanied by a substantial endowment of £100,000 under Act No. 21, of which the income is to be applied under the direction of the Executive Committee of the Council to provide assistance (*a*) to persons engaged in scientific research ; (*b*) the training of students in scientific research.

Federal Aid Roads.—No. 46 is an Act providing for financial assistance by the Commonwealth to the States for the purpose of the construction and reconstruction of roads. The substance of the Act is contained in a scheduled agreement between the Commonwealth and the several States whereby the Commonwealth is to make available for roads purposes a total sum of £2,000,000 a year for ten years, distributable on a basis of three-fifths population and two-fifths area. " Federal Aid Roads " are limited to main roads which open up and develop new country ; trunk roads between important towns ; and arterial roads to carry concentrated traffic from developmental, main, trunk and other roads. The acceptance of federal aid necessarily involves the submission to certain federal supervision in a function which constitutionally belongs to the States ; from this point of view the agreements have been criticized. On the other hand, the agreement, so far as it is adopted and carried on,

will be an indication of a willingness of Commonwealth and States to co-operate and to co-ordinate their activities, which has not been too prominent a feature of the federal regime.

Northern Australia.—The preamble to Act No. 41 declares that it is expedient that in anticipation of and with a view to the making of preparations for the establishment of a measure of self-government in the Northern Territory, further provision be made for the development and government of the Territory. This provision is made in an elaborate Act of sixty sections. The central feature of the Act is the division of the " Northern Territory " into two parts, the north of the 20° of South latitude being called " North Australia," the southern part " Central Australia." These divisions will now be separately administered, each with its own Resident Commissioner and Council of Advice. But for North Australia there is to be also a Commission of three members, charged particularly with its economic development. The powers include the maintenance and operation of railways, the construction and maintenance of roads, the erection of telegraph and telephone wires, water-boring and conservation, ports and harbours and " such other matters in relation to the development of the Territory as are specified in any regulation made under this Act." As soon as practicable, the Commission is to " prepare a scheme for the development " of North Australia, which, if approved by the Minister, the Commission is to take steps to carry out. Railways, however, are not to be constructed without the authority of Parliament.

Commonwealth Conciliation and Arbitration.—This short Act (No. 22) makes an important change in the constitution of the Commonwealth Court for Conciliation and Arbitration in Industrial Disputes, since it terminates the liaison between the High Court of Australia and the Court which has subsisted since 1904 from the fact that the President and for many years the Deputy-President, in whom all the powers of the Court are vested, must be appointed from among ten Justices of the High Court. During his term in the Arbitration Court, he did not cease to be a member of the High Court or to take such part in its proceedings as the exacting work of the Arbitration Court permitted. Under the new Act the Court is given a constitution distinct from the High Court, and the step may be taken to indicate the sense of the Government, at any rate, of the fundamental distinction between the essentially judicial functions of the High Court, and the almost completely discretionary powers that are exercised in the settlement of industrial disputes. In constituting the " Court " of a " Chief Judge " and not fewer than two " other judges " the Act is in line with the recent legislation which tends to confide the most important of the functions of the Court to several persons in substitution for the original system which made the President the Court and confided all to a single person *vir pietate gravis*. Another feature is the change of tenure. The President of the Court and his deputies held office for a term of years merely: so long as they were Justices of the High Court, their limited tenure of a burdensome office which carried no emolument could not lay their independence under any suspicion. But the case would be different if the office became one of profit, and the substitution of special judges of the Court was deemed to necessitate the provision of the ordinary conditions of judicial tenure: the judges are appointed for life, their salaries are fixed and appropriated, and pensions on retirement are provided.

Another feature of the Act is a provision that wherever the subject-

matter of a dispute before the Court is the standard hours of work or the basic wage in an industry, the Attorney-General may intervene in the proceedings in the public interest, and exercise all the rights of a party in being heard and in examining and cross-examining witnesses: in all such cases the tribunal must be composed of the Chief Judge and two other judges.

The remaining feature of the Act is provision for the appointment of Conciliation Commissioners.

Crimes.—Act No. 9 consists of twenty sections dealing with miscellaneous matters, chiefly by way of amendment of the principal Act 1914–15. Amongst other things, it permits a Court to amend indictments, informations or summonses so as to cure defects of form or remove variances with the evidence and thereby enable the real question in dispute to be determined, subject to a provision that the power may not be exercised if it would cause injustice to a defendant. Where any loss has been suffered by the Commonwealth by reason of an offence, the Court may order the person convicted thereof to make reparation to the Commonwealth in addition to imposing on him the penalty specified for the offence. Presumption of absence of lawful authority or excuse or permission is to be made in the case of all offences of which such authority, excuse or permission is an element, the burden of proof being thrown on the defendant. Part II of the Act contains an important and elaborate set of provisions under the title "Protection of the Constitution and of Public and other Services." The first of these deals with "unlawful associations," which are thus defined (s. 17 being 30A of the principal Act as amended):

(*a*) Any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages

(i) The overthrow of the Constitution of the Commonwealth by revolution or sabotage;

(ii) The overthrow by force or violence of the established Government of the Commonwealth or of a State or of any other civilized country or of organized government; or

(iii) The destruction or injury of property of the Commonwealth or of property used in trade or commerce with other countries or among the States,

or which is or purports to be affiliated with any organization which advocates or encourages any of the doctrines specified in this paragraph;

(*b*) Any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the doing of any act having or purporting to have as an object the carrying out of a seditious intention as defined by section 24A of this Act (*i.e.* of the principal Act, 1920).

And "any branch or committee of an unlawful association, and any institution or school conducted by or under the authority or apparent authority of an unlawful association shall for the purposes of this Act be deemed to be an unlawful association."

All connexion with such an association, whether as member (in the case of persons over the age of 18 years), officer, representative, or teacher, is an offence punishable with imprisonment for one year.

Advocating or inciting to any crime within the category of objects in (i), (ii) or (iii) is an offence punishable by two years' imprisonment, and in the case of persons not born in Australia deportation on the order

of the Attorney-General. Subscriptions to such associations are unlawful, their books, etc., are not transmissible by post, their literature is unlawful, and the property held on their behalf is subject to forfeiture. Various acts are deemed in the absence of proof to the contrary to be evidence of membership.

Another section provides for the emergencies arising from " a serious industrial disturbance " as proclaimed by the Governor-General, prejudicing or threatening trade or commerce with other countries or among the States. It declares that any person who during the operation of such proclamation takes part in or continues, or writes to, urges, aids or encourages the taking part in, or continuance of a lock-out or strike—(*a*) in relation to employment in or in connexion with the transport of goods or the conveyance of passengers in trade or commerce with other countries or among the States ; or (*b*) in relation to employment in, or in connexion with, the provision of any public service by the Commonwealth or any authority thereunder, shall be guilty of an offence, and liable to a year's imprisonment, as well as (if he was not born in Australia) to deportation. Acts of obstruction, hindrance or compulsion offered to other persons in relation to the above matters are an offence subject to a year's imprisonment. With regard to procedure, it is provided that in any prosecution under this part of the Act the averments of the prosecutor contained in the information or indictment shall be *prima facie* evidence of the matter averred.

Navigation.—The provisions of the Navigation Act practically excluded British ships from the Australian coastal trade, owing to the high cost that would be involved in satisfying the requirements of the law. One result has been that Tasmania in particular has suffered from a loss of tourist traffic, which used to come from the Australian Continent in the great overseas steamers ; and this has long been one of her grievances. The present Act (No. 8) authorizes the Governor-General when satisfied that any tourist traffic is being retarded to permit unlicensed ships (*i.e.* British ships not under the Navigation Act) to engage in the trade, and thereupon the carriage of passengers between authorized ports is not to be deemed engaging in the coastal trade.

Invalid and Old-age Pensions.—Act No. 44 is of considerable political importance from an Imperial standpoint. Under the provision of the original Act of 1908, amongst persons excluded from the privileges of the Act were " Asiatics (except those born in Australia)." This is now amended by including " Indians born in British India " in the same category as Asiatics born in Australia, *i.e.* the disqualification for the pension is removed in their case.

Maternity Allowance.—Act No. 48 is along the same lines as the Invalid and Old-age Pensions Act. The Act of 1912 excluded " Asiatics " from its benefits ; the present Act substitutes " aliens," and should thereby give satisfaction not in India only.

Judiciary.—Neither the Constitution nor the Judiciary Act, 1903, constituting the High Court of Australia, made any provision for retiring pensions for the Justices. This omission has now been made good by the present Act (No. 139).

1. NEW SOUTH WALES.

[It is hoped to publish this Summary in the next *Review*.]

2. QUEENSLAND.

[*Contributed by the* Hon. Sir Littleton E. Groom, K.C.M.G., M.A., LL.M., M.P., and J. F. Gamble, Esq., B.A., LL.B.]

Acts passed—32.

Constitution.—Act No. 2 increases the salaries of members of the Legislative Assembly from £500 to £750 per annum. Corresponding increases are also made in the salaries of Ministers, the Leader of the Opposition and the Speaker.

Cotton.—The Cotton Industry Acts Amendment Act (No. 8) amends the principal Act by authorizing the constitution of districts to be called Pure Seed Districts, in which no person is allowed to plant any cotton-seed except cotton-seed approved by the Minister. The seed of cotton so planted may be compulsorily acquired by the Government for planting purposes. The Act also authorizes the Minister to make arrangements with the growers for the cultivation of test plots.

Gift Duty.—Act No. 23 imposes a duty on gifts. Gifts in the nature of retiring allowances and gratuities, charitable gifts, normal expenditure on the maintenance of wife, husband or child, or for the education of a child, and marriage settlements, are not liable to duty, and no duty is payable where the gift, with other gifts to the same donee during the preceding twelve months, does not exceed £1,000. The rate of duty for gifts not exceeding £2,500 is 3 per cent., and the rate increases in proportion to the amount of the gift.

Income-tax. — Act No. 32 amends the provisions of the principal Act in regard to the assessment of tax on liquidation dividends on shares, and on shares or certificates issued by companies in consideration of the receipt of goods. The Act also makes provision for the more effective assessment and collection of tax under the Acts superseded by the principal Act.

Labour.—The Industrial Arbitration Act Amendment Act (No. 25) applies the provision of the principal Act to certain partnerships in which one of the partners is a minor.

The Workers' Compensation Acts Amendment Act (No. 17) increases the amount of the weekly payment in certain cases where total or partial incapacity for work results from the injury.

Land, Crown.—The Prickly-pear Land Act Amendment Act (No. 6) makes a number of amendments to the principal Act. Where the prescribed notice has been given the Commission and the Crown are exempted from liability for the loss of stock poisoned in consequence of eating plants poisoned by the Commission in the endeavour to destroy prickly-pear. Provision is also made for the payment of compensation to lessees for prickly-pear clearing and for the conversion of pastoral and other leaseholds to perpetual lease prickly-pear selections. The Commission is authorized to do clearing on forfeited holdings and recover the cost out of the amount due to the late lessee for improvements. Provision is also made for the disqualification of undesirable tenants from applying for or holding leases.

The Sugar Workers' Perpetual Lease Selections Act Amendment Act (No. 15) amends the principal Act by granting to the holder of a selection the right to mortgage his selection.

The Commonwealth and State Agreement (War Service Settlers)

Ratification Act (No. 16) ratifies an agreement between the Commonwealth and the State in regard to the repayment of amounts advanced by the Commonwealth to the State for Soldier Settlement purposes.

The Discharged Soldiers' Settlement Acts Amendment Act (No. 31) makes provision for affording relief to discharged soldiers who have obtained advances under the principal Act and have been unable wholly to meet their engagements.

Liquor.—Act No. 3 makes a number of amendments to the principal Act. Substantial increases are made in the fees payable for licences under the Act. The privileges granted to lodgers and resident members of clubs in relation to the consumption of liquor are extended to guests of those persons, " guest " being defined as a person who, on a day other than Sunday, partook of and completed the regular meal supplied between 5.30 p.m. and 7.45 p.m. in company with the lodger or member in question. The provisions in relation to special permission to hold dancing and public entertainments on licensed premises are amended so that such permission may include, subject to certain safeguards, the consumption of liquor. New sections are inserted prohibiting wine-sellers from supplying food except food supplied for immediate consumption with wine supplied. The provision of rooms or alcoves separated from the place where wine is supplied is also forbidden. Every wine-seller must keep his premises open during lawful hours and must not allow any other person to conduct the business during his absence for periods longer than seven days except by special permission of the Court. A number of new sections are inserted in regard to registered spirit merchants. Applicants for certificates of registration as a spirit merchant or transfer of certificates must furnish testimonials and certain procedure is prescribed in regard to the renewal and transfer of such certificates and removal of premises. Temporary certificates may be issued where premises are destroyed. Objections to the granting, renewal, removal or transfer of any certificate may be lodged by the local authority or by any elector of the local option area or any inspector. Objections may be lodged on grounds such as the following: (1) That the applicant is a person of drunken or dissolute habits or immoral character, or is otherwise unfit to hold a certificate; (2) that a certificate held by him during the preceding two years has been cancelled; (3) that the proposed premises have been the resort of prostitutes or persons under surveillance by the police; (4) that the reasonable requirements of the public do not justify the granting of the certificate; (5) that the quiet of the neighbourhood will be disturbed. When the Court refuses an application it must pronounce the decision in open court.

Authority is given to the police to enter the premises of any registered club or of any club or association of persons using premises for the purpose of playing bowls or golf or for any other game or athletic sport.

The provisions in regard to local option are amended. In the event of a vote being taken in any area in 1928 the next vote cannot be taken until 1935.

Loans.—The Government Loan Act (No. 30) authorizes the raising of a loan of £9,000,000 for Public Works and Services.

Primary Produce. — The Primary Producers' Co-operative Associations Act Amendment Act (No. 4) amends the principal Act by making provision for the adoption by an Association of further objects of asso-

ciation. New provisions are also inserted in regard to the registration of securities given by co-operative associations. Special provision is made in regard to the Farleigh Co-operative Sugar Milling Association, Limited.

The Primary Producers' Organization and Marketing Act (No. 20) consolidates and amends the Primary Products Pools Acts, 1922 to 1925, and the Primary Producers' Organization Acts, 1922 to 1925, and amends certain other Acts relating to primary production. "Primary Producer" includes the following persons: dairy farmers; wheat, maize and cereal growers; sugar-cane growers; fruit growers; graziers; farmers, whether engaged in general or mixed farming, cotton, potato or vegetable growing, or poultry or pig raising; and apiarists. The Act dissolves the corporation of the Council of Agriculture and the corporation of each District Council, but continues the local Producers' Associations and Boards established under the repealed Acts. A new Council of Agriculture is constituted consisting of not more than twenty members elected from the members of the various Boards. The Director of Marketing is, by virtue of his office, a member of the Council. The function of the Council is to co-operate with the Department of Agriculture, and with local producers' associations and other approved bodies and persons in developing the rural industries and advising on matters pertaining to the furtherance of the interests of the primary producers. The functions of the local producers' associations are: (1) to take the initiative in rural matters pertaining to the particular produce or locality in which the association is primarily interested; (2) to ascertain the requirements of such produce or locality and formulate schemes for having those requirements met; (3) to bring before the Council or any Board requirements and problems which are not of purely local concern but are of common interest and concern; (4) to support and assist the Council and Boards in their efforts to promote the general prosperity of primary producers; and (5) generally to advise, co-operate with and assist the Council and Boards in enabling them efficiently to discharge their duties and functions.

The Act provides that, upon receipt of a petition signed by at least fifty growers, the Governor may declare any product of the soil to be a "commodity" for the purposes of the Act, and may constitute a Board in relation to the commodity. If so requested in the petition the Governor may also declare that, on the fulfilment of certain conditions, the property in the commodity shall be divested from the growers and shall rest in the Board, but provision is made for the holding of a poll before such a declaration takes effect. The Board may also be given power to market the commodity and the same Board may be constituted in respect of two or more commodities. Neither the Council nor the Boards are permitted to be concerned in any way with party politics. No action can be brought against any marketing Board except a claim for an account, nor is the Board liable in respect of any payment made in good faith to a grower or to a person claiming through him. The expenses of the Council and of the Boards are provided by levies on the commodities concerned.

The Act expressly declares sugar cane to be a commodity for the purposes of the Act and makes provision for the constitution of mill suppliers' committees, district cane growers' executives and a Cane Growers' Council. The Cane Growers' Council is also declared to be

a Board, but is not authorized to undertake the functions of marketing the commodity unless so authorized by the Governor in Council.

Railways.—Act No. 13 amends the principal Act in various ways. A new provision is inserted in regard to employees leaving work. Any employee who absents himself from work forfeits the sum of one pound to the Commissioner. This sum is deducted from his salary without notice or other process, but the section does not apply until an Order has been made by the Commissioner directing that it shall operate, nor does it apply to employees absenting themselves in pursuance of a strike authorized under the Industrial Arbitration Act of 1916. The Act also amends the provision of the principal Act relating to Boards of Appeal, particularly in regard to the election of employees' representatives on Boards of Appeal.

Roads.—The Federal Aid Roads Agreement Approval Act (No. 7) authorizes and ratifies an Agreement between the State and the Commonwealth of Australia under which the Commonwealth advances to the State certain moneys for the purpose of the construction and reconstruction of main roads.

Stamps.—Act No. 10 amends the principal Act in regard to documents relating to the sale of shares and marketable securities and the duty payable on various documents to which the Act refers.

Sugar.—The Sugar Works Acts Amendment Act (No. 14) amends the Acts of 1911 and 1922 by making new provisions in regard to the repayment of the cost of works. It provides that if in any year the result of the operations is not sufficient to provide for the instalment of repayment, the deficiency may be obtained by the levy of a rate on the growers who supplied cane to the mill and on all owners and occupiers of land who were served with a notice to grow sugar cane on their lands, but failed to do so.

Water.—Act No. 12 consolidates and amends the Acts relating to the rights in water and water conservation. The right to the use and flow and to the control of water in watercourses, lakes, springs, artesian wells, and sub-artesian wells is reserved to the Crown and the Commissioner of Irrigation is authorized to take measures for the conservation and supply of such water and for its more equal distribution and beneficial use, protection from pollution, etc. The functions of the Commissioner of Irrigation under the Irrigation Act of 1922 are extended to matters relating to water supply. Areas may be constituted for the purpose of water conservation, water supply, irrigation, drainage, sewerage, prevention of floods, control of flood waters, sinking a new artesian or sub-artesian well, or acquiring any existing artesian or sub-artesian well, and a Board may be constituted for each area. The Commissioner may construct approved works in any area and the Board constituted for the area must pay interest in respect of the cost of such works. The functions of the Board constituted under the Act are : (*a*) to maintain in a state of efficiency the works under their control or charge ; (*b*) to fix and levy rates as provided by the Act ; (*c*) to pay to the Treasurer moneys payable under the Act ; and (*d*) to make provision out of general revenues for such annual sum as the Commissioner, by notice, directs to be set aside for the purpose of effecting renewals or extensions of works in the area concerned.

Boards are also authorized to borrow money for certain purposes. All rates proposed to be levied by any Board must be approved by the

Commissioner. The Act makes provision for public watering places and for accommodation and agistment of travelling stock, and for this purpose the Commissioner is authorized to construct tanks, dams, bores, etc., and to appoint caretakers of such works. The existing provisions in regard to artesian and sub-artesian wells are continued. All such wells must be licensed and all drillers must be licensed. Provision is also made to prevent waste of artesian water.

A fund called the Settlers' Water Conservation Fund is established by the Act and this fund is available for the construction by the Commissioner, with the approval of the Minister, of works desired by any owner or occupier of land or any group of owners or occupiers. The cost of such works may be repaid by the applicants by instalments.

The general provisions relating to the obstruction or pollution of water-courses are continued, and it is provided that in places where no area has been constituted or no Board has been constituted, the Commissioner shall exercise and perform the powers and functions which would otherwise be exercised and performed by a Board. Comprehensive provisions are contained in the schedule in relation to the business, property, works and undertakings of the Commissioner.

3. SOUTH AUSTRALIA.

[It is hoped to publish this Summary in the next *Review*.]

4. TASMANIA.

[*Contributed by* H. J. Solomon, Esq., LL.B.]

Acts passed—71.

Of the 71 Acts passed, a considerable number were small amendments to existing Acts or were merely of local interest.

The more important are reviewed below:

Advances to Orchardists.—By Act No. 36 the Treasurer is given power to borrow £50,000 to be used in making advances to orchardists who in the season then last ended had shipped fruit to England and who by reason of the abnormal condition of the English market during that season sustained such pecuniary losses as to render impossible their remaining upon their orchards. Grants are to be made by the Minister for Agriculture upon the recommendation of a Board of five members known as the Advances to Orchardists Advisory Board.

Constitution.—The Parliament of the State of Tasmania consists of the Governor, a House of Assembly, elected by adult suffrage and a Legislative Council, elected on a suffrage restricted to the possessors of certain property or educational qualifications. Money Bills must originate in the House of Assembly, but the Legislative Council had intermittently exercised powers of amendment in such cases, although on several occasions the House of Assembly had protested against its action. A dispute arose between the Houses in 1926, when, an Appropriation Act having been passed by the House of Assembly and passed with amendments by the Legislative Council, the Speaker of the House of Assembly, on the instructions of that House, treating the amendments as nullities, submitted the Bill as originally passed by the House of Assembly for the assent of the Governor, which was duly given. In order to prevent a

recurrence of such disputes the present Act (No. 90) was passed: it was reserved for the signification of the Royal Assent, which was proclaimed on August 11, 1926. The Act repeats the provisions that all Money Bills must originate in the House of Assembly and carefully defines such Bills, providing that provisions inserted in such Bills which do not conform to the definition shall be invalid. The Legislative Council is forbidden to amend money Bills, but may by message request the Assembly to make amendments therein: the Assembly may then make such amendments if it thinks fit. Any Bill (including a money Bill) may be rejected by the Council. The Houses are expressly declared to possess equal powers in all respects, except as expressly provided in the Act.

Deputy Governor's Powers.—In order to remove doubts Act No. 57 explicitly provides that all powers conferred on the Governor by any statutory or other law or usage of the State as well as those conferred by the Letters Patent making provision for the office of Governor of Tasmania, shall be exerciseable during his absence by the Deputy Governor, unless the contrary is expressly provided on the appointment of the Deputy.

Estate Agents.—Act No. 47 provides for the licensing of Estate Agents. "Estate Agent" is defined as being anyone exercising or holding himself out to the public as ready to undertake the functions of selling or buying land or any interest therein on behalf of another person for remuneration. Government departments, public authorities, administrators, trustee companies and legal practitioners are specifically exempted from the provisions of the Act. Application for a licence is to be accompanied by a Fidelity Bond for £250. No unlicensed agent may recover any fee in a Court of Law. Estate agents convicted of any crime or guilty of fraud may be disqualified.

Local Government.—Act No. 65 applied at its commencement only to a portion of the municipality of Emu Bay, but the Governor is empowered on the petition of the Councils of other rural municipalities to extend to them the operation of the Act. The Councils are empowered to proclaim areas in which all building operations must be carried out in brick, stone or concrete. Building on any lands under the provisions of the Act can only be with the consent of the Council and according to plans approved by it.

Main Roads Maintenance.—By Act No. 33 a special Board of 3 members is appointed to maintain and control(under the supervision of the Minister for Lands and Works) such roads as are proclaimed by the Governor to be Main Roads. The expenses of such maintenance are defrayed by the annual appropriation of a sum equal to the amount of motor taxes collected in the preceding year (less 3 per cent.).

Marriages Legislation.—Act No. 3 validates marriages theretofore and thereafter contracted between a man and his deceased wife's brother's daughter or his deceased wife's sister's daughter, or between a woman and her deceased husband's brother's son or her deceased husband's sister's son. It is provided, however, that where such a marriage had before the Act been annulled or if one of the parties thereto had remarried, the marriage should still be considered void.

Ministers of the Crown.—By s. 7 of the Ministers of the Crown Act, 1923 (as amended by s. 7 of the Ministers of the Crown Act, 1925), documents requiring the signature of any particular Minister shall "in the event of the absence or disability of such Minister or of a vacancy in his

office " be valid if signed on his behalf by any responsible Minister or any Honorary Minister. It is provided, however, that no office, duty, etc., by law conferred or imposed on the Attorney-General shall be affected by the section. The Act now under consideration (No. 12) deletes the words in inverted commas above, thus making it competent (subject to the proviso as to the Attorney-General) for any Minister of the Crown to sign for any other Minister, without reference to the absence of such other Minister.

The Motor Vehicles Tax.—Act No. 11 exempts from taxation any motor vehicle (but one only for any one person) owned by a returned soldier who in consequence of his war service lost, or permanently lost the use of, arm, leg, hand or foot. The provision does not apply to a motor vehicle used for hire.

5. VICTORIA.

[*Contributed by* His Honour Judge Zichy-Woinarski, K.C.]

Third Session, Twenty-eighth Parliament ; Acts passed—60.

Administration and Probate.—Act No. 3450 amends certain provisions of the principal Act which deal with small estates. By such last-mentioned Act, where the gross value of a deceased person's estate did not exceed £500 the executor or administrator of the will or estate had the right, if the deceased resided within twenty miles of Melbourne, to apply to the Master in Equity, and, if deceased resided elsewhere, to apply to the registrar of the County Court to prepare the necessary papers and make application for and obtain probate or letters of administration without the services of a proctor, and the fees to be paid to such officials are very moderate.

This concession is extended by this amending Act to estates not exceeding £1,200 if the only person or persons entitled to take the property of the deceased person under the will or to share in the distribution of the estate of such person is or are the children only, or the widow only, or the widow and children, or the widower only, or the widower and children, or the widowed mother of such person.

Electoral Districts.—Act No. 3451 deals with the redistribution of seats for the Legislative Assembly of the State of Victoria by a redivision of the State of Victoria into new electoral districts. The existing electoral districts were fixed in the year 1903, and movements of population both in the metropolis and in the country compelled a reform.

The State of Victoria may be redivided into the number of electoral districts provided for in the principal Act (s. 2). For the purposes of the redivision the Governor in Council may appoint three Commissioners (s. 3). The Commissioners shall provide for twenty-six metropolitan and thirty-nine urban and country electoral districts on the basis approximately of the following quotas : (i) 22,000 electors for each metropolitan district ; (ii) 15,000 electors for each urban district ; and (iii) 10,000 electors for each country district.

The Commissioners shall give due consideration to : (*a*) the distribution of the number of electors for the Legislative Assembly throughout the State and the likelihood of any changes within any localities in the State ; (*b*) community or diversity of interests ; (*c*) means of communication ; (*d*) physical features ; (*e*) existing boundaries of electoral

districts and subdivisions; and (*f*) Commonwealth electoral boundaries (s. 5).

The Commissioners shall forward to the Minister their report upon the proposed redivisions and the number of electors for the Legislative Assembly residing in each proposed electoral district together with a map signed by the Commissioners showing the name and boundaries of each proposed electoral district (s. 7). The report and map are to be laid before both Houses of Parliament and copies are to be forwarded to each member of the Legislative Assembly (s. 8), and either House may cause reconsideration by the Commissioners (s. 9). If each House passes a resolution approving the proposed division the Governor in Council may proclaim the names and boundaries of the new electoral districts (s. 10). As soon as practicable after such proclamation new electoral rolls shall be prepared for the electoral districts and the subdivisions thereof, and for the purposes of the preparation of the new electoral rolls the Governor in Council may (*a*) divide an electoral district into subdivisions; (*b*) specify the boundaries and names of subdivisions; and (*c*) alter the boundaries and name of any subdivision so proclaimed (s. 11). Transitory provisions are also made as to the first general election (s. 11). Special provisions are also made relating to the existing licensing districts under the Licensing Acts, and changes in the boundaries of those districts occasioned by the operation of this Act (s. 12).

Settled Estates and Settled Lands.—Act No. 3455 amends the principal Act and confers on the Master in Equity (who has legally absorbed the functions of the Master in Lunacy), in respect of the estates of lunatic patients not found lunatic by inquisition, the powers of a committee of the estate of a lunatic tenant for life or person having the powers of a tenant for life. It enacts that the provisions of s. 131 of the principal Act (where a tenant for life or person having the powers of a tenant for life is a lunatic so found by inquisition, the committee of his estate may, in his name and on his behalf, under an order of the Supreme Court, exercise the powers of a tenant for life) shall with such alterations as are necessary extend and apply to lunatic patients not found lunatic by inquisition, and the section shall be read and construed as if references to the committee of the estate of a lunatic were references to the Master in Equity.

Women's Qualification.—Act No. 3458 is based upon the Imperial Act 9 & 10 Geo. V, c. 71, s. 1, removing the disqualifications of women for public offices and professions, but omitting the provision requiring service as a juror. It enacts that save as otherwise expressly provided in any Act or enactment a woman shall not be disqualified by sex or marriage from the exercise of any public function or from being appointed to or holding any civil or judicial office or post or from entering or assuming or carrying on any civil profession or for admission to any incorporated society (whether incorporated by Royal Charter or otherwise) (s. 2). Nothing in this Act is to impose upon a woman any liability to serve as a juror (s. 3).

Cattle Compensation. — Act No. 3459 amends the principal Act of 1924 by permitting compensation to be paid to the owners of cattle which were destroyed by or by the order of any inspector of stock at any time after the passing of the principal Act and before the coming into operation thereof because such cattle were suffering from or suspected of

suffering from disease. (There had been delay in proclaiming the principal Act, and during that delay stock had been destroyed, the owners of which were not within the provisions of the principal Act (s. 2).) Compensation is to be paid also to the owner of any carcass or portion of a carcass, outside a meat area within the meaning of the Health Act, 1919, where the services of a meat inspector are not available, which has been condemned as unfit for human consumption because of disease (s. 4).

Companies (Names).—Act No. 3462 puts restrictions on the names under which companies may be registered (s. 2); prohibits, with certain exceptions, any corporation or company assuming or using the word "co-operative" as part of its title, etc. (s. 3); also the use in a company's name of the word "Commonwealth" or the use of the word "savings" in connexion with its business (s. 4); prohibits a corporation or company using the name of a friendly society (s. 5); and allows change of name in the case of a company which, through inadvertence or otherwise, is registered under a prohibited name, or under a name containing prohibited words (s. 6).

Metropolitan Drainage and Rivers.—In the year 1923 the management and control of all main drains and main drainage works and of certain river areas and watercourses within the metropolis became vested in the Melbourne and Metropolitan Board of Works. The present Act (No. 3463) amends the principal Act so as to increase the authority of the Board, and to give it ampler power to carry on the work entrusted to it, *e.g.* the Board had power to declare a drain to be a main drain only when the drain passed through the territory of two or more municipalities, and an agreement with the municipalities was necessary. Now it is given power to declare any drain to be a main drain whether it passed through two or more municipalities or is confined to one municipality, and power to construct main drains outside the metropolis in certain cases, and also power to declare watershed areas and to protect them from diversion from one area to another; and it may prohibit buildings within a prescribed distance of the centre of a main drain.

Censorship of Films.—Act No. 3465 makes provision for the appointment of a censor of cinematograph films to be exhibited in Victoria. The Governor in Council is empowered to arrange, by agreement with the Governor-General of the Commonwealth, for the censorship of those films by the Commonwealth censor while the agreement is in force, and where the agreement is not in force, or where there is no such agreement, the Governor in Council may appoint a censor and a deputy censor (ss. 3 and 4). No film is to be exhibited unless approved by the censor (s. 5), whose duty it is to examine every film submitted for approval, and he has power to (*a*) approve a film unconditionally, or (*b*) approve a film subject to such conditions, including conditions as to age or sex, as he imposes, or (*c*) refuse approval (ss. 5–9). An appeal from his decision to the Minister or any person authorized in writing by the Minister is provided for (s. 10). Approval is not to be given in the case of any film (*a*) which is indecent or obscene, or is likely to incite or encourage public disorder; or (*b*) the exhibition of which (i) is likely to be injurious to public morality or to encourage or incite to crime; or (ii) is undesirable in the public interest; but the censor's approval is not to be unconditionally refused in the case of any film which (*a*) in good faith and with artistic merit reproduces or adapts any work of

recognized literary merit; or (*b*) in good faith and with artistic merit represents any scriptural, historical, traditional, mythical or legendary story (s. 12).

Power is given to the censor to require any film to be exhibited for his inspection at the expense and risk of the applicant and also to require the production of any scenario (a statement or summary of the plot of any play or story or of the incidents depicted or intended to be depicted), and he may take into consideration not only the film and the scenario but any posters, photographs, sketches, programmes, and slides proposed to be used in connexion with the exhibition of the picture, and he may require security for fulfilment of conditions (ss. 13 and 14).

Of course films approved must be exhibited in the form approved by him and without alteration or addition unless such alteration or addition has itself been approved by him, and immediately before the public exhibition of any cinematograph picture in any theatre there must be screened in letters clearly visible the certificate of the approval by the censor. Of course, too, approval may be revoked and penalties imposed for the exhibition of pictures from films not approved (ss. 17–20).

Any film or any sample copy of any poster, photograph, sketch, programme, slide or advertisement of which approval had been refused may be retained by the censor, but may be returned to the person who submitted it if the censor is satisfied it will be forthwith exported from Victoria (s. 21).

The Act provides also for the registration of those who exhibit or deal in films (s. 22).

An important provision is the requirement that at every exhibition of cinematograph films, at least 2,000 feet of film showing pictures produced in the British Dominions (of which at least 1,000 feet is produced in Australia) shall be exhibited (s. 23).

Machinery clauses as to fees payable and regulations to be made by the Governor in Council also appear in the Act.

Theatres.—Act No. 3468 gives power to the Chief Secretary to cancel or suspend any licence granted under the Theatres Act, 1925, where the theatre, etc., is used on Christmas Day or Good Friday without a special permit, and it prohibits the use on those days, without a permit in writing from the Chief Secretary, of a picture theatre not licensed under that Act.

Health.—Act No. 3470 alters the meaning of "piggery" as defined in the Health Act, 1919, s. 4, to mean "any building, enclosure or yard in which five or more pigs are kept, bred, raised or fattened for purposes of trade" and it extends to shires or parts of shires the provisions of that Act relating to offensive trades so far as they are applicable to piggeries (s. 3).

It repeals the provision of that Act that the Council of the municipality concerned shall bear the cost of removal to hospital and of the maintenance and treatment of persons suffering from infectious disease (s. 4). It authorizes the Governor in Council to make regulations for the training, examination and licensing of cinematograph operators (s. 6). It requires the discontinuance of certain nightsoil depots established by the Melbourne and Metropolitan Board of Works within the metropolis and restricts the acquisition by that Board of land within the metropolis for depots or sewage farms, and it provides for compensation to be paid to persons injuriously affected by the establishment of

such depots or farms under the provisions of the Health Act, 1922 (ss. 7 and 8).

Teachers.—Act No. 3480 is an amending Act of only local importance. It seeks to improve further the condition and status of teachers in the public service and contains further provisions relating to subdivisional promotion and transfer of teachers, and also to retrospective salaries to be paid to certain junior teachers and to retrospective payments to be made to certain other teachers.

Stock Foods.—Act No. 3482 makes it an offence to sell bran or pollard which is not in accordance with either of the standards prescribed therefor in the Schedule, and it also provides that any purchaser of bran or pollard shall be entitled to have samples of such bran or pollard analyzed by the chemist of the Department of Agriculture without charge and to receive from the chemist a certificate of the result. It also empowers members of the police force to enter premises and take samples of such stock foods. The Schedule sets out that the physical standard of bran shall consist of the outer skin or coating of the wheat grain or berry, pure and without admixture of any kind, obtained in the usual commercial milling process from wheat, from which all impurities have been removed, and that as the chemical standard, bran shall contain not less than 14 per cent. of crude protein, not less than 2·5 per cent. of crude fat or other extract, and not more than 10 per cent. of crude fibre. With regard to pollard it lays down for the physical standard that it shall consist of the products of milling wheat (other than flour and bran) from which all impurities have been removed, and shall be of such fineness as to permit of 99 per cent. passing through a metal sieve perforated with round holes 1·5 millimetres in diameter, and for the chemical standard, that it shall contain not less than 14 per cent. of crude protein, not less than 3 per cent. of crude fat or other extract, and not more than 7 per cent. of crude fibre.

Compulsory Voting (Assembly Elections).—Act No. 3488 is designed to compel every elector to record his vote at every election for which he is entitled to vote. It is based upon the provisions of the Commonwealth Electoral Act, No. 109, 1924, and contains machinery similar to that in the Commonwealth Act for checking the names of electors who have not recorded their votes at the election, for serving them with notices requiring reasons for not voting, and for replies and for penalties where no valid sufficient excuse exists or is given.

Saturday Voting (Parliamentary Elections).—Act No. 3490 enacts that the day of polling for all State Parliamentary elections shall be on a Saturday not less than ten and not more than twenty-one clear days after the day of nomination.

Melbourne Harbour Trust.—Act No. 3496 is an amending Act. It fixes the remuneration of the Commissioners (other than the Chairman) at £250 per annum (s. 2). It empowers the Commissioners to purchase land for the purposes of the Melbourne Harbour Trust Acts either by agreement or compulsorily, and it incorporates the Lands Compensation Acts with the said Acts. It prohibits the Commissioners from selling or leasing for more than twenty-one years any land within 410 feet of a defined water front. It permits the Commissioners to license persons to act as wharfingers, warehousemen, carters and carriers, to make and revoke appropriations of exclusive right to portions of wharfs, and to apply the sinking fund in repurchasing or redeeming any debentures

issued under the Harbour Trust Acts and which are thereupon to be cancelled (ss. 4–18). Owners of vessels who are rendered accountable for damage done to the property or effects of the Commissioners or to the banks or wharfs or other works are not to be relieved of any liability by reason of the fact that the vessel was under compulsory pilotage at the time the injury was caused (s. 20), but it provides for the recovery of any sum paid as damages by the owners of vessels from the persons who negligently caused the damage (s. 21). A penalty is provided for discharging any oil or oily water into the waters of the port (s. 22). The Commissioners may make agreements with any statutory body authorized to supply water and the Act fixes the rates therefor (s. 23). It enacts that the Commissioners shall be deemed to have had and shall have authority to acquire and carry on dockyards within the port of Melbourne (s. 24). It enables them to establish a superannuation scheme, pensions, etc., for the Commissioners, their servants and officers, and to erect and maintain dwelling houses on land taken or purchased for the benefit of employees, and also to advance certain moneys to employees upon the security of the land and houses (ss. 26 and 27).

Children's Welfare.—Act No. 3497 gives power to the Governor in Council, after due investigation by the Minister, to order that certain persons or institutions shall cease to have the custody or care of children committed to their custody under the Children's Welfare Acts; and it requires private persons and institutions having the control or care of any child committed to them to answer inquiries by the Minister to them respecting such child.

Constitution.—Act No. 3498 amends the principal Act by providing for the payment of members of Parliament during the period between resignation, retirement or dissolution (as the case may be) and polling day, if the member is a candidate at the election immediately following his resignation or retirement or the dissolution of Parliament.

6. WESTERN AUSTRALIA.

[*Contributed by* F. L. Stow, Esq., *Crown Solicitor.*]

The third and concluding session of the Twelfth Parliament of Western Australia commenced on July 29 and ended on December 17, 1926. Sixty-two statutes were passed, fourteen of which are reviewed below.

Federal Aid Roads Agreement.—By this measure (No. 7) Parliament ratifies the agreement made between the Commonwealth and the State relating to the grant by the Commonwealth of money for the construction of roads within the State The recitals in the agreement set forth that the Commonwealth proposes to make available for the different States for the purpose of the construction and reconstruction of certain roads to be designated "Federal Aid Roads," the sum of £2,000,000 in each year for a period of ten years, and that such sum is to be distributed between the different States on the basis of three-fifths in respect of population and two-fifths in respect of area; and further, that in pursuance of such proposal the Commonwealth has agreed to make available for Western Australia £3,840,000 during a period of ten years (by instalments of £384,000 per annum) for the purpose of the construction and reconstruction of such roads.

The State on its part undertakes to provide £2,880,000 for the pur-

poses of the agreement, by instalments at the rate of 15s. for each pound paid by the Commonwealth. Of the amount provided by the State £360,000 must come out of revenue. Provision is made for the establishment of a sinking fund for the repayment.

The roads to which the agreement is to apply are: (i) Main roads which open up and develop new country; (ii) trunk roads between important towns; and (iii) arterial roads to carry the concentrated traffic from developmental main trunk and other roads.

One-fourth of the money provided by the Commonwealth and State has to be expended on construction work.

The work of constructing or reconstructing roads under the agreement is to be undertaken by the State, but the approval of the Federal Minister is first to be obtained, the State for this purpose submitting to him its programme of road construction. The method of execution of the work is, in general, to be by contract, but any particular work may, for special reasons and with the approval of the Federal Minister, be executed by day labour.

Traffic.—Amongst the mass of amendments effected by No. 22, it is perhaps sufficient to notice that giving more extensive powers of regulating omnibuses, and that providing for insurance. The former is meant to deal primarily with motor omnibuses, which have become formidable competitors with the State railways and tramways; it empowers the Governor to make regulations prescribing the routes within the metropolitan area, or in any other parts of the State, to be followed by omnibuses, and to prohibit the use of omnibuses elsewhere than on a defined route. The Governor is further empowered to prescribe sections and terminal points of routes, the time-tables to be observed, the maximum fares to be charged, the maximum number of omnibuses to be allowed to ply on any route, and the stopping places. Before prescribing a route the Governor may take into consideration the state of the roads and the needs of the public, and the maximum number of omnibuses proposed to be licensed for the route. Power is also given to prohibit the use of vehicles as omnibuses within the metropolitan area or within any other defined part of the State, unless a prescribed route is specified or endorsed on the licence for the vehicle, and on any route other than the route so specified or endorsed.

The section relating to insurance provides that the owner of every motor vehicle used for the carriage of passengers for hire or reward shall insure against liability for damages in respect of such vehicle in case of injury to persons. The amount of such insurance to be £100 multiplied by the number of persons the vehicle is licensed to carry, but so that the amount shall in no case be less than £1,000; provided that it shall be sufficient if the owner of a number of vehicles insures for not less than £5,000 in the aggregate.

Guardianship of Infants.—This measure (No. 23) adopts the provisions of the English Statute 15 & 16 Geo. V, c. 45, and also certain provisions from 54 Vict., c. 3, which had not previously been adopted in this State.

Legitimation.—The Legitimation Act, 1909, provides for legitimation *per subsequens matrimonium*. This amending Act (No. 29) affects the rights acquired by a legitimated child by providing that such child shall be entitled only to receive or share in any real or personal property, distributable in consequence of the death of any person amongst legitimate children or their issue under any disposition or otherwise, which

remains undistributed at the date of the registration of such child as legitimate.

This amendment applies whether the disposition or devolution of the property takes effect before or after the registration of the child as legitimate, or before or after the passing of the amendment. Under the original Act the registration of a child as legitimate could only be effected during the lifetime of both parents; but this Act permits it to be effected, on the order of a judge, after the death of the husband, if the judge is satisfied that he acknowledged paternity in his lifetime.

State Children.—The principal object of Act No. 31 is to give Children's Courts complete control over applications for affiliation and maintenance orders relating to illegitimate children.

In 1919 Children's Courts (established under the State Children Act to deal with cases affecting children) were given jurisdiction to deal with all bastardy applications, and in 1921 the old Bastardy Laws Act of 1875 was repealed, with the intention that applications against the putative fathers of illegitimates should be dealt with under the maintenance provisions of the State Children Act. One of the principal advantages of this amendment of the law is that the Court may exclude from the hearing all persons not directly interested, and may prohibit the publication of any report of the proceedings. The relative provisions of the State Children Act were, however, found to be defective, and doubts existed as to whether Children's Courts had power to make affiliation orders. This measure was passed to cure the defects and remove the doubts. It gives, in clear terms, full power to Children's Courts to adjudge any person to be the father of an illegitimate child; but no such adjudication is to be made on the evidence of the mother alone. In any such proceedings the averment that the defendant is of sufficient means to maintain the child is to be received as *prima facie* proof thereof.

Navigation.—It was found that the application of Part IV of the Navigation Act, 1904 (relating to the survey of steamships), was obscure in regard to some matters. It appeared also to be, in some respects, too wide, whilst in others it was not wide enough. It purported to apply to steamships engaged in commerce with the British Dominions outside the State—thus invading the sphere of Federal action. On the other hand, the fact that this part of the Act was confined to steamships and to passenger vessels, and did not deal adequately with harbour and river boats, seemed unduly to restrict its usefulness.

For these reasons this amending measure (No. 33) extends the operation of Part IV of the principal Act to all ships, British and foreign, except: (*a*) passenger steamers in respect of which certificates granted under Part III of the Imperial Merchant Shipping Act, or declared to have the same force as if so granted, are in force; (*b*) ships of any class exempted from the operation of Part IV by proclamation; (*c*) ships not propelled by steam and not used in trade or commerce or for the purpose of gain; (*d*) ships to which Division 1 or 2 of Part IV of the Navigation Act, 1912–1920 (Commonwealth), is for the time being legally applicable.

Surveys will henceforth be annual instead of six-monthly.

The word "ship" is substituted for "steamship" throughout Part IV, so as to make the provisions for survey applicable to every class of ship, subject to the exceptions mentioned.

Provision is also made for the inspection of harbour and river boats, and it is further provided that every harbour and river boat propelled by any motive mechanical power other than steam shall, if used in trade or commerce or for the purpose of gain, be provided with a skilled marine motor engine-driver.

Coal Mines Regulation.—The Coal Mines Regulation Act, 1906, is amended by Act No. 36 in various directions, for the purpose of making coal mining safer and of providing for the health and welfare of the miners.

Among the most noticeable of the amendments is a prohibition of all Sunday labour, subject to certain exceptions.

A fine example of paternal legislation is the provision which makes it compulsory to provide a suitable change house at every mine where twenty or more persons are ordinarily employed below ground, and such change house has to be divided so that clean and dirty clothes can be kept entirely separate in separate rooms ; and the bathrooms, showers, and washing accommodation must also be divided off and effectively screened from the change rooms. An area of not less than five square feet has to be provided in each change room for every person employed. There must also be an ample supply of water of suitable quality and temperature, and the Act prescribes, in detail, further accommodation which is considered to be necessary to ensure cleanliness.

Another amendment of considerable importance is that providing for an aged and infirm miners' superannuation. All adult miners are required to contribute the sum of threepence per fortnight, and the owner of every mine is required to contribute a sum equal to the total amount subscribed by the miners employed by him, and such contributions (together with a sum equal to one-eighth to be deducted from the moneys received under the principal Act by the trustees of the Coal Miners' Accident Relief Fund) are to be paid to trustees and to form a fund which shall be called the " Aged and Infirm Coal Miners' Superannuation Fund," and shall be operated upon by the trustees. Any person who has worked continuously as a miner for a period of not less than six years in the coalfields district of the State shall be entitled to benefits from the fund, subject to the following conditions : (*a*) That he is unable through infirmity or old age to follow his usual occupation as a miner or any other employment ; (*b*) that he has not received under the Workers' Compensation Act the maximum compensation for the total disability, and that he is not within the provisions of such Act ; (*c*) where the applicant is in receipt of the Commonwealth invalid or old age pension moneys, the maximum amount he shall receive from the fund shall not exceed the allowance provided for in the relative provision of the Commonwealth law.

Dairy Cattle Compensation.—Act No. 38 provides for (*a*) payment of compensation to owners of registered cattle destroyed by the order of an inspector on the ground that such cattle are suffering or suspected to be suffering from any disease ; (*b*) registration of all bulls, cows and heifers kept as dairy cattle ; (*c*) the formation of a " Dairy Cattle Compensation Fund," to which shall be paid all registration fees, money received from the sale of the products of diseased cattle and all penalties recovered under the Act.

Three-fifths of the compensation paid under the Act has to be paid out of the compensation fund, and two-fifths out of consolidated revenue.

Jetties.—Act No. 45 consolidates and amends the Acts relating to the construction and maintenance of jetties. Wide powers of making regulations are given to the Governor, and he is empowered to regulate the use of public jetties and to prescribe the berthing, storage, handling and other dues and charges to be payable in respect of the use of such jetties or of goods loaded, carried or stored on or from any public jetty, or on, in or from any premises appurtenant thereto, or in respect of any incidental services rendered by the Government or any officer thereof. Power is also given to the Governor to undertake the construction of any jetty, to acquire any private jetty, and to lease, close or remove a public jetty.

The Minister administering the Act is empowered to grant licences authorizing the construction or maintenance of private jetties, but, except under such a licence or by virtue of a lease granted under the Act, no private jetty is to be constructed, used or maintained after the commencement of the Act.

University Colleges.—Act No. 47 authorizes any body of persons desiring to obtain an area of land for establishing a college to apply to the Senate of the university to set apart for the purposes of such college an area of university land; but the Senate will not have authority to grant the application unless it is satisfied that the college will always be governed by a council and that within five years a sum of £15,000 will be available for erecting the necessary buildings and making the necessary improvements to the land. The consent of the Governor is also requisite. If within five years from the Governor's consent the Senate is satisfied that the necessary funds are or will be available, and that the college will be able to provide its students with satisfactory supervision, tuition and opportunities for study, it may report the fact to the Governor, who may grant the site to trustees for the college in fee simple.

Legal Practitioners.—Act No. 48 enables the Barristers' Board to provide for the issue of annual practice certificates to legal practitioners and to fix an annual fee to be paid to the Board for the issue of such certificates (which fee shall not be more than £10 nor less than £5). Out of the moneys to be received for practice certificates the Board is authorized to pay the sum of £500 per annum to the University of Western Australia as a contribution towards the establishment and maintenance of a chair of law.

Dried Fruits.—Act No. 49 makes provision for the control of the marketing of dried grapes and such other dried fruits as are made subject to the Act by Proclamation.

A Board is created which is to consist of five representatives of the growers—at first appointed, but, after December 31, 1927, elected.

The Board is to have power (*a*) to make contracts with any person in respect to the purchase or sale of dried fruits produced in Australia; (*b*) to enter into contracts with boards appointed under legislation in force in other Australian States with objects similar to those of this Act, for concerted action in the marketing of dried fruits produced in Australia; (*c*) to open shops or depots for the sale of dried fruits, either wholesale or by retail; (*d*) to open shops or depots for the storage or distribution of dried fruits; (*e*) to fix the remuneration to be paid to dealers for the sale or distribution of dried fruits; (*f*) by means of advertising or other appropriate means, to encourage the consumption

of dried fruits; (*g*) from time to time to determine where and in what respective quantities the output of dried fruits produced in any particular year is to be marketed and to take whatever action the Board thinks proper for enforcing such determination.

Provision is made for the registration of growers and dealers, and they may be required from time to time to furnish to the Board such information as may be deemed necessary. Fruit-packing sheds are also required to be registered.

Subject to s. 92 of the Commonwealth Constitution (which provides for the freedom of interstate commerce), the Board is empowered to purchase by agreement or acquire compulsorily any dried fruits in the State which have been grown and dried in Australia, except such as are held for export in accordance with a licence granted under the Commonwealth Dried Fruits Export Control Act, 1924, or of which the Board constituted under that Act has accepted control, or which are included in any contract referred to in s. 18 of that Act (relating to contracts for shipment of dried fruits beyond the Commonwealth).

Any dried fruits acquired by the Board may be sold in such manner as it thinks fit.

Fruits compulsorily acquired must be paid for at export parity price, that is the selling price for the time being in London of the like Australian dried fruits, less cost of freight, insurance, exchange, duties and all other charges.

Subject to certain reservations, all agreements in writing made before the commencement of the Act for the sale of dried fruits to be produced in the year 1927 are annulled.

Dried fruits are required to be properly graded, and a substantial penalty is imposed on anyone applying a grade label or mark in such a way as to be calculated to deceive.

The Act is of a temporary character, and will expire on March 31, 1930.

Metropolitan Market.—Act No. 55 contributes yet another board (to be called the Metropolitan Market Trust), and charges it with the duty of establishing and maintaining a market in the metropolitan area. The Trust is to consist of five members nominated by the Governor. One of these members is to be a representative of the producers, one a representative of the consumers, and one is to be appointed on the nomination of the Council of the City of Perth.

After a market has been established under the Act the powers of the City Council in respect of markets will come to an end; but, with the approval of the Governor, the Council may provide market-places for the sale of produce by retail.

The Trust is empowered to (*a*) prohibit the sale by auction in the metropolitan area of produce, products or provisions, elsewhere than in the market established under the Act, except sales by auction of grain, straw, chaff, hay or other produce on Government railway premises; (*b*) prohibit the sale within a certain distance from the market of produce, products or provisions by hawkers or stall-keepers, except on the premises of the seller.

Timber Industry Regulation.—Act No. 59 provides a measure of "factory legislation" for the timber industry (which includes all operations of felling, hewing, sawing, splitting, cutting, removing and treating timber on timber holdings). The outstanding figure in this class of legislation is the inspector, and here we have inspectors in abundance.

There may be (1) district inspectors appointed by the Minister charged with the administration of the Act; (2) special inspectors who may be appointed to make special inspections and investigations on matters requiring special technical or scientific training or knowledge; (3) workmen's inspectors, who are to be elected by the majority of persons (being subjects of the King) employed in the timber industry in the several districts defined for the purposes of the Act.

Provision is also made for the appointment of controlling officers for the several districts. A controlling officer will act as the superior of the inspector for the district.

Extensive powers, some of which might be termed inquisitorial, are vested in inspectors, and they are authorized with the authority of their respective controlling officers to initiate and conduct prosecutions for offences against the Act, and they may also attend inquiries and inquests held respecting accidents, or deaths caused by accident, arising out of the timber industry, and may call and examine witnesses. Workmen's inspectors have many, though not all, of the powers of the appointed inspectors.

Managers, that is persons having immediate charge and direction of the operations on timber holdings, are saddled with the responsibility of enforcing the observance of the Act, and the regulations made thereunder, on their respective holdings, and a manager is to be deemed guilty of an offence against the Act if he fails to report a breach thereof and to prove that all reasonable means of preventing the breach were taken.

Managers are also charged with the duty of giving notice of any accident to the proper inspector and controlling officer. On receipt of any such notice the inspector has to investigate the matter thoroughly and forward a report to the controlling officer. A magistrate may thereupon hold an inquiry, and forward a copy of the evidence, together with his report thereon, to the Minister.

The accredited representative of the industrial union of workers to which a worker, injured or killed by accident, belongs, or of the union connected with the class of work in which the workman was employed, is to be permitted to examine the place where the accident occurred, and may attend, and call and examine witnesses, at any inquiry or inquest held concerning the accident or death.

Provisions such as are common in legislation of this character concerning dangerous machinery occur in this Act, and inspectors are empowered to prevent the use of unsafe machinery and appliances.

Wide powers of making regulations are vested in the Governor, not only concerning timber-mills and places and matters immediately connected therewith, but also with reference to "mill landings" and "bush landings" and tram-lines and rolling-stock, the regulation of loads to be carried, and other matters.

7. PAPUA.

[*Contributed by* C. E. A. Bedwell, Esq.]

Ordinances passed—10.

The legislation of the session is primarily of an amending character.

Protection of Women and Children.—The principal piece of new legislation appears to be No. 2 for the protection of white women and children.

The punishment for rape is death. Unlawful and indecent assaults may be punished by imprisonment with or without hard labour, and with or without whipping. The ordinance sets forth the details in reference to the administration of the whipping.

Electric Lighting and Power.—No. 5 is in the nature of an English Local and Personal Act, and provides for the construction, operation and control of electric lighting and power works in the town of Samarai.

IV. NEW ZEALAND.

[*Contributed by* J. CHRISTIE, ESQ., LL.M., *Parliamentary Law Draftsman.*]

Acts passed: Public Acts—72; Local Acts—19; Private Acts—3.

The Parliamentary session of 1926 lasted for a period of thirteen weeks, commencing on June 16, 1926, and ending on September 15 following. Since the preceding session a general election had been held, and the Government had been returned to power with an overwhelming majority. The session was the first over which the Prime Minister (the Rt. Hon. Joseph Gordon Coates, M.C.) presided for the purpose of carrying into effect the Government's policy as formulated after his own accession to leadership. In the preceding session (during which he had also held office as Prime Minister) his avowed purpose was limited to giving effect to the declared policy of his former leader (the late Mr. Massey).

The first session of a new Parliament is generally regarded as being productive of debate rather than of legislation. To this rule the 1926 session proved a striking exception, a total of seventy-two public Acts having been passed, some of major importance. In fact, practically the whole of the Government's policy as outlined at the polls has, more or less completely, been given effect to in the legislation of the session.

Of the Acts passed probably the most important are those dealing with (1) town-planning; (2) family allowances; (3) the control of motor-omnibus traffic. In the last-mentioned Act the principle has been adopted that existing investments of public moneys in transport services (*e.g.* municipal tramways) should be protected against the inroads of private enterprise. This protection is afforded by a provision that requires new undertakings to charge higher rates than those charged by local or public authorities for the same service.

Six compiled Acts (prepared by the Compiler of Statutes) were passed. In all of these (contrary to its usual practice) the Government took the opportunity of inserting amendments in Committee, so that the Acts as passed are something more than a compilation of formerly existing law. The duties of the compiler in relation to a compiled Bill cease with its introduction into Parliament; the preparation of substantial amendments, for incorporation in the compilation, is within the ordinary duties of the Law Draftsman.

The acknowledged success in the past of the working of the State Advances Office, with its system of loans to settlers and others on long terms, with provision for the repayment thereof throughout the term of the loan by equal instalments, consisting of constantly varying proportions of principal and interest, has received a twofold recognition in

the legislation of the year. In the first place, a new branch of the State Advances Office has been established, to be financed by bonds issued by the Superintendent of the Department (who is a corporation sole) and secured on the assets of the branch. The business of this branch is to grant loans of larger amounts (up to £5,500) than could be provided for out of the funds available for the ordinary business of the office. In the second place, the Bank of New Zealand has promoted legislation creating a "long-term mortgage fund" and providing for the investment of the moneys of that fund by way of loans repayable by equal instalments of principal and interest, on the system established by the State Advances Office.

A private divorce Act is unique in the history of New Zealand's legislation. It might have been expected that such Acts would have been passed between the commencement of responsible government in New Zealand and the enactment of the first divorce law in 1867, but such was not the case. The present case is that of a young woman who, according to the recital in the Act, had "in good faith, relying on his representations and not knowing of his criminal record," married a man who had "represented himself to be and was believed to be a respectable and law-abiding citizen," but who, in fact, had a lengthy criminal record, and shortly after his marriage was convicted of a serious crime, sentenced to five years' imprisonment with hard labour, and declared to be an habitual criminal. The Act merely recites the facts and dissolves the marriage.

The review that follows deals only with the more important Acts.

Relief of Unemployment.—The Local Authorities Empowering (Relief of Unemployment) Act (No. 2) empowers local authorities, subject to the consent of the Governor-General in Council, to borrow moneys for expenditure on public works undertaken in relief of unemployment. The Act requires the Governor-General to withhold his consent unless he is satisfied that the object of the local authority is primarily to provide employment for men who would otherwise be without employment or without sufficient employment to enable them to maintain themselves and their families in a reasonable condition of comfort.

Statistics.—The Census and Statistics Act (No. 3) makes better provision for the taking of the quinquennial census; and also for the collection, compilation and tabulation of vital, industrial, commercial and other statistics. The official administration of the Act is in the hands of the Government Statistician.

Judicial.—The Evidence Amendment Act (No. 5) adopts the provisions of s. 28 (3) of the Criminal Justice Administration Act, 1924 (Imperial), wherein it is provided that the wife or husband of a person charged with bigamy may be called as a witness either for the prosecution or the defence, and without the consent of the person charged.

Women Justices. — The only provision of general interest in the Justices of the Peace Amendment Act (No. 7) is contained in s. 2, which provides that a woman shall not be disqualified by sex or marriage from being a Justice of the Peace. The office of Justice of the Peace in New Zealand is honorary, and the duties of Justices are largely nominal, though two Justices can together exercise the jurisdiction exercisable by a Stipendiary Magistrate in the summary trial of offenders or in preliminary proceedings in relation to indictable offences. Though all Justices are nominally liable to be called on to perform the judicial duties

of their offices, in practice these duties fall on a limited number of selected Justices.

Taxation.—The Land and Income-tax (Annual) Act (No. 9) fixes the rates of land-tax and income-tax for the financial year ending March 31, 1927. The rates are the same as those fixed for the immediately preceding year.

The Land and Income-tax Amendment Act (No. 24) provides, *inter alia*, as follows:

Ss. 2 and 3 relate respectively to land-tax and to income-tax and exclude from the operation of the special provisions relating to the taxation of "absentees" persons who are absent from New Zealand in the service of the Crown. S. 5 makes special provisions for the computation of income derived from the sale or other disposal of trading-stock. The section is an adaptation of similar provisions made by the Commonwealth of Australia Act, 1922, No. 37, s. 17. S. 7 makes the New Zealand employer of a non-resident tax-payer the agent of that tax-payer for the purposes of the payment of income-tax. This section further provides for the deduction from any salary or pension payable by the New Zealand Government to a non-resident tax-payer of the amount of any income-tax payable by him in respect thereof.

Destitute Persons.—The Destitute Persons Amendment Act (No. 10) makes various amendments of the Destitute Persons Act, 1910, principally in matters of detail. S. 8 provides that orders of the Supreme Court, made in the exercise of its jurisdiction in divorce and providing for the periodical payment of maintenance moneys, may be enforced in a Magistrate's Court as if they were maintenance orders made under the Destitute Persons Act. The object of the provision is to obtain in respect of the enforcement of these orders the advantages of a simpler procedure. S. 9 provides for the appointment of officers of the Magistrate's Court to be known as "Maintenance Officers," whose duty it will be to take all necessary proceedings for the enforcement of maintenance orders made under the principal Act, except in any case where the person entitled to the benefit of a maintenance order expressly requests that such proceedings shall not be taken. Proceedings for the recovery of maintenance moneys may be taken by a Maintenance Officer in his own name with the addition of words to disclose the fact that he is acting under statutory authority.

S. 10 empowers the Court in any proceedings under the principal Act to exclude the general public in the interests of public morality. The section is framed on the lines of corresponding provisions in the Crimes Act (relating to the conduct of criminal proceedings).

Fire Brigades.—No. 11 is a consolidation with substantial amendment of the Fire Brigades Act, 1908, and its several amendments. The new matter provided for in the present Act has reference principally to the finances of Fire Boards, provision being made, *inter alia*, for the establishment of sinking funds for loans; for the establishment of a capital expenditure fund; and also for the establishment of a fund to provide for the payment of gratuities or pensions to permanent employees on their retirement from the service of the Board.

Public Revenues.—No. 13 is a consolidation with amendment of the Public Revenues Act, 1910, and its amendments. The Act is largely technical in its nature, and makes provision with respect to the collection of the public revenues, the proper accounting therefor, and safeguards

against their misappropriation. The two Departments primarily concerned in its administration are the Treasury and the Audit Office. The duty of the Treasury is to receive moneys payable to the Public Account, to account properly for them in the books of the Treasury and to pay them out for authorized purposes. The Audit Office is charged with the duty of preventing the misapplication or misappropriation of the public revenues.

Local Bodies Loans. — No. 14 is a compilation, without material alteration, of the Local Bodies Loans Act, 1913. The Act does not authorize the borrowing of money, but is a procedural Act prescribing the steps to be taken by local authorities with respect to the borrowing of moneys in exercise of an independent authority. Speaking generally, local loans are secured on local rates (known as special rates), and local authorities must obtain the consent of their rate-payers, by means of a poll, before proceeding to borrow money. Save in exceptional cases, for which special statutory authority is required, loans may be raised only for the construction of " public works."

Mining.—No. 15 is a compilation of the Acts relating to the regulation of gold-mining in New Zealand. Although considerably amended from time to time, the subject-matter of the Act dates back to the early days of the gold-mining industry in New Zealand, and the primary purpose of the present compilation is to afford a basis for the contemplated task of a reconstruction of the mining laws.

National Provident Fund.—No. 16 is a compilation, without substantial amendment, of the National Provident Fund Act, 1910, and its amendments. The Act of 1910 was designed to encourage individuals to make provision against destitution arising from old age, sickness, widowhood and orphanage. It established a contributory scheme in accordance with which contributions were made to the fund for the ultimate benefit of the contributors themselves or for the advantage of their immediate dependents. The development of the scheme has been somewhat curious. By the amending Act of 1914, provision was made to enable local authorities and other employers to become contributors to the fund on behalf of their employees ; and to a very considerable extent the original purpose of the scheme has been overshadowed in importance by its later developments.[1]

Government Railways.—No. 17 is a compilation, without substantial amendment, of the Government Railways Act, 1908, and its amendments.

Hospitals.—The Hospitals and Charitable Institutions Act (No. 18) is a compilation, without substantial amendment, of the Hospitals Act, 1909, and its amendments. The distinctive feature of the Act is the recognition of the fact that the maintenance of public hospitals is regarded in New Zealand as a national duty ; for the purposes of administration, the country is subdivided into forty-seven hospital districts, each of which is controlled by an elective Hospital Board ; each Board is required to provide hospital accommodation and necessary charitable relief within its own district. Funds for the activities of the Board are provided partly by way of levy on the several local authorities (counties and boroughs) within the hospital district, and the residue by way of subsidy from the Consolidated Fund. In this way about one-half of

[1] This feature of the scheme was reviewed in the *Journal of Comparative Legislation*, New Series, no. xxxv, pp. 127, 128.

the total expenditure of all Hospital Boards is found by the general Government.

In addition to the national hospitals (known as public hospitals) there is in New Zealand a large number of privately owned hospitals conducted for purposes of profit. These " private " hospitals are required to be licensed and are open to inspection by State officials.

Dairy Produce Export Control.—No. 19 amends the Dairy Produce Export Control Act, 1923, which was reviewed in the *Journal*.[1] The Amendment deals with the mode of election of producers' representatives for appointment as members of the Dairy Produce Export Control Board. By the Act of 1923, provision was made for the appointment to the Board of nine members as representative of all persons engaged in the production of dairy produce. The present amendment provides for the division of New Zealand into nine wards and for the future election of one producers' representative for each ward. The members at present in office as producers' representatives are allocated to the several wards. A compound system of election has been devised for the future election of representatives. In the first place, every producer within a ward is entitled to one vote, each voting-paper bearing on its face a reference to the factory to which the voter is a supplier of milk or cream. The votes recorded are to be counted separately in respect of each factory, and to each factory there is allotted a voting capacity referred to in the Act as " tonnage " votes and based upon the amount of manufactured dairy produce exported from that factory in the preceding year. The candidate who receives the greatest number of producers' votes in respect of any factory is entitled to receive all the tonnage votes allotted to that factory, and the candidate who thus receives the greatest number of tonnage votes is the elected candidate.

Censorship of Cinematograph Films.—A censorship of cinematograph films was established in 1916 by the Cinematograph-film Censorship Act of that year. The present Act (No. 22) extends the original scheme and enables the Governor-General to make regulations for the censorship of posters and other advertising matter relating to cinematograph films.

Cremation. — The Cemeteries Amendment Act (No. 23) amends the law as to cremation. By s. 44 of the Cemeteries Act, 1908 (re-enacting similar provision in an Act of 1882) provision was made authorizing the cremation of a dead body in cases where a person by will or deed had directed that his body should be so disposed of after death. Although it was ruled that this apparently restrictive provision did not in fact abrogate the provisions of the common law as to the disposal of dead bodies by cremation, nevertheless there was current a very general impression that cremation could be legally effected only in cases where the deceased person had so directed by will or by deed. The present amendment substitutes for the words " by will or deed " in the statutory authority the words " by writing," so that cremation may lawfully take place in any case where the deceased has in writing indicated his desire for cremation. At the same time, any rules of common law that would permit cremation are expressly preserved ; but the Act provides that in all cases cremation must be carried out in accordance with prescribed conditions. The provisions of s. 8 of the Cremation Act, 1902, (Imperial) relating to offences with respect to cremation have been

[1] See *Journal of Comparative Legislation*, Third Series, vol. vii, pt. ii, p. 114.

adopted. The administration of the Acts relating to burial and cremation has been transferred to the Minister of Health.

Western Samoa.—The Samoa Amendment Act (No. 25) amends in various particulars the Samoa Act, 1921. S. 4 extends the jurisdiction of the High Court of Western Samoa in matters matrimonial by conferring on that Court jurisdiction in suits for restitution of conjugal rights. S. 5 (the commencement of which is postponed until a date to be fixed in that behalf by the Governor-General by notice in the *Gazette*) empowers the Legislative Council of Western Samoa to legislate by way of Ordinance with respect to divorce and other matters matrimonial in cases where both parties to a marriage are Samoans domiciled in Samoa. It has been represented to the Government of New Zealand that the time has not yet arrived when the laws as to divorce applicable to Europeans can be suitably applied in their entirety to Samoans. The amendment will enable special legislation to be enacted by the local Legislative Council, but no Ordinance can become operative unless and until it has been approved by the Executive Council of New Zealand. S. 8 makes special provision with respect to the application of profits heretofore derived from the "Reparation Estates" in Samoa. The section provides for a distribution of such profits as follows:

(*a*) Not more than 30 per centum is made payable to the Samoan Treasury.

(*b*) Not more than 50 per centum is made payable for the development of the Reparation Estates.

(*c*) The balance is to be paid to a Reserve Fund to be applied from time to time for the benefit of the Reparation Estates or, if not so required, for payment to the New Zealand Consolidated Fund.

It is likely that permanent provision for a distribution of the annual profits on similar lines will be made next year.

Oil in Territorial Waters.—No. 27 is an adaptation and extension of the Oil in Navigable Waters Act, 1922 (Imperial). The term "Territorial Waters" is defined to mean any bay, gulf, harbour, river, lake or other water included within the territorial limits of New Zealand. Provision is made for the forcible detention in New Zealand waters of any foreign-going ship from which any oil has been discharged or allowed to escape in breach of the Act, until sufficient security has been given to cover any costs, damages or other moneys that may be made payable in respect of any legal proceedings that may be taken in relation to such discharge or escape.

Scientific Research.—The Scientific and Industrial Research Act (No. 28) establishes a Department of State to be called "The Department of Scientific and Industrial Research." The function of the Department is to advise the Government on all questions of policy relating to scientific matters. The Department is also charged with the maintenance and administration of governmental scientific services and laboratories. Provision is made for the appointment of an Advisory Council consisting of not more than seven members not being persons in the service of the Government. The establishment of the Department and the constitution of the Advisory Council are the first steps towards giving effect to the recommendations recently made by Sir Frank Heath, K.C.B., to the Government of New Zealand with respect to the organization of scientific and industrial research in the Dominion.

A further step was taken in the passing of the New Zealand Agricultural College Act (1926, No. 68), (*post.*).

Family Allowances. — The Family Allowances Act (No. 30) makes provision for the grant of allowances towards the maintenance of children by parents with limited incomes. The term " children " is defined to include children under the age of fifteen years, inclusive of step-children and adopted children, but exclusive of any illegitimate child or of any child who is not in fact maintained as a member of the family, or any child in respect of whom a pension is already payable out of public moneys (*e.g.* a war pension or a pension payable to a widow in respect of a child). Allowances under the Act are payable on application in respect of the third and every subsequent child in a family, but so that the average weekly income of the parents (inclusive of the allowance) shall not exceed £4 plus 2*s.* for each child in excess of two. In computing the income of a family no account is taken of benefits received from a " friendly " society ; while interest at the rate of 5 per centum per annum is deemed to be receivable in respect of all accumulated property of the applicant (exclusive of the family home and of furniture and personal effects in the possession of the family). In the case of afflicted children, an allowance under the Act may continue to be paid after the child has attained the age of fifteen years. A discretionary power is conferred on the minister in certain cases, to treat as if he were a member of the family any child who, though not in fact a child of the applicant, is maintained by the applicant as if he were a member of his family. To ensure as far as reasonably practicable that the allowance shall be used exclusively for the benefit of the children in respect of whom it is paid, the Act provides that, save in exceptional cases, all allowances shall be paid to the mother to be expended by her on behalf of the children. Penalties by way of fine or imprisonment may be imposed on persons who apply for or receive an allowance in breach of the Act. The Act comes into operation on April 1, 1927, and is to be administered by the Commissioner of Pensions appointed under the Pensions Act, 1913. The estimated annual expenditure under the Act is £260,000.

Infants.—The Guardianship of Infants Act (No. 32) is an adaptation, without substantial alteration, of the Guardianship of Infants Act, 1925 (Imperial).

The Dairy Industry Amendment Act.[1]—Three matters dealt with in this amending Act (No. 35) are significant of recent developments in the dairy industry in New Zealand and of changing conditions consequent on that development. S. 3 is adapted from a recent statute of Victoria (Australia) and provides for the apportionment between landlord and tenant of the cost of carrying out certain improvements on dairy farms. Officers of the Department of Agriculture maintain a close supervision of the premises of suppliers to dairy factories and have power to call for improvements necessary to prevent deterioration in the quality of milk or cream supplied for manufacture. Owing to the increasing number of persons holding farms from private landlords, either on an ordinary tenancy or on a system of share-milking which is extending in the Dominion, a difficulty has been experienced in getting permanent improvements effected on farms. The section is designed to protect

[1] Written by T. D. H. Hall, Esq., formerly an officer of the Department of Agriculture, and now a professional officer on the staff of the Law Drafting Office.

both parties and to assist in the work of departmental administration. S. 7 is a somewhat remarkable provision. It is designed to compel the owner of a dairy factory to pay a less price for milk or cream of inferior quality than he might under the pressure of competition be prepared to pay. It is an illustration of the development of the system of governmental control. It is admitted that the remarkable success of the dairy industry in New Zealand is due in large measure to the system of Government grading and instruction which was inaugurated at the commencement of the export trade. The early development of the industry was, under Government guidance, largely co-operative. Of late years, private dairy factories have been established or co-operative dairy factories have from various causes fallen into private hands. In some districts there is intense competition to obtain supplies of cream and milk, and consequently it is difficult for factory managers to take a firm stand in the matter of produce of inferior quality because if they refused to accept it they might lose a supplier. The quality of the cream is reflected in the quality of butter, and Government action was demanded in the interests of the export trade. It is proposed to make regulations requiring all milk or cream delivered at factories to be classified and graded, and differential prices to be paid according to grade. It is expected this will raise the standard of supply. The factory managers themselves are the principal supporters of the proposal.

The competition of privately owned dairy factories with the co-operative factories furnishes the motive for s. 8. The reputation of New Zealand dairy produce was built up under what was practically a universal co-operative system, and the title " Co-operative Dairy Company " has become associated with our products. Some of the earlier factories registered as co-operative companies have fallen into private hands and there is a tendency for new private companies to register the word " co-operative " as part of their title, thus obtaining whatever virtue attaches to the use of the term. The section forbids registration under a title including the word " co-operative " of any company not strictly co-operative. It also provides that existing companies that have improperly adopted the term " co-operative " as part of their title may be compelled to change their names. A further requirement is that a copy of the report and balance-sheet of every co-operative company is to be sent to each supplier of milk or cream who is not an actual shareholder in the company. As the industry has developed a large number of new suppliers has arisen who, though not actually holding shares in a factory, yet send their milk or cream to it and share in the distribution of the profits on the basis of the quantity of milk or cream supplied.

The Government's care for the maintenance of the standard of our dairy-produce and for the safeguarding of its reputation on foreign markets is further evidenced by the provisions of s. 6. The export of butter containing more than 16 per centum of water is already prohibited and tests are carried out at all grading ports to ensure that such butter is not shipped. Complementary to this provision and approaching the matter from the point of view of what should be in the butter rather than of what should be kept out, it is now provided that there shall be a minimum percentage of butterfat in butter. This will ensure that proper care is taken to free the butter from too much curd or other substances incorporated in the process of manufacture.

The other provisions of the Act are machinery amendments designed to facilitate administration.

Rent Restriction.—No. 36 further extends the duration of the legislation as to the restriction of rent until August 1, 1927. From that date the legislation in question will cease to have any application unless a Stipendiary Magistrate, *on the application of the tenant*, makes an order for the continued application of the legislation to any specified dwelling-house. Where an order is so made, the landlord will be entitled to receive a net return of *seven* per centum per annum of the present capital value of the dwelling. All orders so made by magistrates will cease to operate on January 1, 1928, and on that date the rent restriction legislation is due to expire.

Since the passing of the original legislation in 1916 there has been a practical cessation of the business of building houses for purposes of letting, and people who formerly lived in rented houses have been obliged to become the nominal owners of their homes, and instead of paying rent, pay interest. The system of instalment mortgages (involving a gradual reduction of the principal moneys) is very popular.

Motor Vehicles.—The Lights on Vehicles Amendment Act (No. 37) excludes motor vehicles from the operation of the Lights on Vehicles Act, 1915, if and so long as any regulations are in force under the Motor Vehicles Act, 1924, with respect to the lighting of motor vehicles. The present amendment also requires that on the rear of ordinary bicycles and other similar machines there shall be a suitable reflector so placed as to show a bright red reflection of any following light.

Stipendiary Magistrates.—The Magistrates' Courts Amendment Act (No. 40) fixes the salaries to be paid to Stipendiary Magistrates. The principal magistrate in each of the four cities is to be remunerated at the rate of £1,000 a year and an annual salary of £900 is provided for all other magistrates.

Marriage.—By the Marriage Act, 1908 (re-enacting like provisions of former Acts), a minister of religion of any denomination was entitled as of right to be gazetted as an officiating minister for the purpose of solemnizing marriages. Of recent years, certain minor sects have been established, and it was considered undesirable that their ministers should be recognized as of right without inquiry being made as to their fitness for the position of officiating ministers. The present amendment (No. 41) requires that application for the insertion of any name in the list of officiating ministers shall be submitted in the first place to the Minister of Internal Affairs, who, before directing the inclusion of the name, must satisfy himself that the applicant is a minister of religion, and is a person of good character and is otherwise qualified to act as an officiating minister.

Local Elections and Polls.—No. 42 is designed to bring the procedure with respect to local elections and polls into general conformity with the procedure for the conduct of parliamentary elections. The principal alteration effected by the present Act has reference to the manner of voting. Since 1904 the prescribed method of indicating a candidate or a proposal to be voted for was that the voter should make a cross opposite the name of the candidate of his choice or opposite the statement of the proposal for which he wished to vote. This system has not proved satisfactory—many voters failing to read or to understand the instructions appearing upon the ballot-paper. The present Act restores the

system (always in use in the case of parliamentary elections) of striking out the name of a candidate or the statement of a proposal for whom or for which the voter does not wish to vote.

Main Highways.—No. 43 further amends the Main Highways Act, 1922, which was reviewed in this *Journal*.[1] By virtue of that Act the cost of construction and maintenance of every main highway is borne in fixed proportions out of (1) the Main Highways Account, and (2) the funds of the several local authorities concerned. The tendency of the several amendments that have been passed since the commencement of the principal Act is to make provision for the payment out of the Main Highways Account of a larger proportion of the cost of construction or maintenance of a main highway than was originally provided for. The present amendment is on the same lines as its predecessors, and, in addition, provision is made whereby the Main Highways Board is empowered to make advances by way of loan out of the Revenue Fund of the Main Highways Account to assist local authorities to fulfil their obligations under the Act. Moneys so advanced to a local authority are to bear interest at a rate to be fixed by the Minister of Finance and are to be repaid to the Board within a period not exceeding ten years.

Dentists.—By the Dentists Amendment Act, 1921–2, provision was made to enable persons who had been engaged in dental work for not less than four years to undergo a special examination with a view to their registration as dentists. Many of the candidates who were examined in accordance with that Act failed to satisfy the requirements of the examiners and on their representations a Commission was set up to investigate and report upon their claims to be given a further opportunity to qualify for registration. The Dentists Amendment Act (No. 44) affords such further opportunity to some fifty-seven persons whose names are set out in the Schedule.

Finance.—Part I of the Finance Act (No. 46) confers further borrowing authorities upon the Minister of Finance and, in addition, makes certain amendments of minor importance in various Acts having reference to the public revenues.

In Part II (relating to Superannuation Funds and Pensions) provision is made, *inter alia*, for the payment of pensions, in the event of the death or disablement in the course of their duties, of members of the New Zealand Naval Forces and the New Zealand Defence Forces. Such pensions are payable, as the circumstances may require, to the members personally, or to their dependents, or, in certain cases, both to the members and their dependents. Pensions payable under the Act are computed at the same rates as are war pensions, and the provisions of the War Pensions Acts are as far as applicable applied. No other matters of general importance are included in the present Finance Act.

Customs Duties.—No. 47 amends the tariff (being the Schedule of Customs duties and exemptions set out in the Customs Amendment Act, 1921). The amendments relate to (1) rubber tyres; (2) gas-engines and oil-engines; (3) motor-vehicles, bicycles, and other like vehicles; (4) timber. In the case of motor vehicles, provision is made for the imposition of an additional duty (in the Act referred to as " body " duty) which is an *ad valorem* duty imposed on the value of the vehicle inclusive of the body.

[1] See *Journal of Comparative Legislation*, Third Series, vol. vi, pt. ii, p. 100.

Maori Art.—The Maori Arts and Crafts Act (No. 48) establishes a Board of Maori Arts, with power to establish schools and other institutions having for their purpose the study and practice of the arts and crafts as known to and practised by the Maori people. It is not intended that the activities of the Board should be limited to New Zealand proper, but that the arts and crafts of all the Polynesian peoples under the care of the New Zealand Government (*e.g.* the Cook Islands and Western Samoa) should come within its purview.

Lands of the Crown.—The Land Laws Amendment Act (No. 49) makes various amendments of the Land Act, 1924, and the Lands for Settlements Act, 1925. The principal amendment is designed to facilitate the purchase of land from the Crown and provides a system of purchase extending over a period of thirty-four and a half years—equal instalments consisting partly of purchase-money and partly of interest being paid at half-yearly intervals during that period. The system is an adaptation of that successfully applied to the repayment of loans granted by the State Advances Office.

Veterinary Surgeons.—No. 50 provides for the establishment of a Veterinary Surgeons Board whose duty it is to compile and keep a register of those persons who satisfy the Board that they are qualified veterinary surgeons. The Act prohibits the use by unregistered persons of the title of "registered veterinary surgeon" or other similar title, but does not prohibit any person from carrying on the business of a veterinary surgeon if, in so doing, he does not mislead the public as to his status. In this respect the Act is on the same lines as other Acts that have been passed making provision for the registration of persons qualified to practise certain professions.

Workers' Compensation.—No. 51 increases the rates and maximum amounts of compensation payable under the Workers' Compensation Act, 1922, in respect of injuries suffered by workers in the course of their employment.

Town Planning.—No. 52 is entitled "An Act to provide for the making and enforcement of town and regional planning schemes."[1]

The main object of the legislation is the prevention of the growth of slums and other undesirable conditions rather than the immediate removal or remedying of any existing faults. In due course existing evils will be cured, for no new works are to be sanctioned that will prolong the term of their natural life; but the Act is designed mainly with the purpose of ensuring that future development will be in accordance with proper town planning principles.

Rural Credits.—The Rural Credits Association Act which was passed in 1922 made provision for the establishment of so-called "rural credit associations" with the object of affording financial assistance to their members (being farmers and other rural workers).[2] The Act (which was passed in answer to an insistent though sectional demand for the establishment of what are commonly known as "agricultural banks") has never been operative. Recently a Commission of three members was appointed by the Government to make investigations in Europe, and also in North and South America, with reference to the methods in vogue there for financing persons engaged in primary production. The Rural

[1] An article on the general purposes of this Act was contributed to the *Journal of Comparative Legislation*, Third Series, vol. ix, pt. iv, p. 193.

[2] See *Journal of Comparative Legislation*, Third Series, vol. vi, pt. ii, p. 101.

Advances Act (No. 54) is for the purpose of giving effect in part to the report of this Commission. It provides for an extension of the functions of the existing State Advances Office (originally constituted by the Government Advances to Settlers Act, 1894). The main feature of the activities of this office is its scheme of long-term mortgages repayable by equal half-yearly instalments throughout the term of the mortgage, each instalment consisting of a constantly varying proportion of principal and interest. For example, in a mortgage bearing interest at the rate of 5 per centum per annum and extending over a period of thirty-six and a half years, a half-yearly instalment of £3 is payable in respect of every £100 of the original amount of the mortgage. Of the first half-yearly instalment of £3, £2 10*s.* consists of interest and 10*s.* consists of principal. Of the seventy-second instalment, the charge in respect of interest is reduced to 2*s.* 4*d.* and £2 17*s.* 8*d.* is on account of principal.

The Act now under review is declared to form part of the State Advances Act and establishes a separate branch of the State Advances Office known as "The Rural Advances Branch." The business of the new Branch is the making of advances on the security of first mortgages of rural lands. The maximum amount of any loan is fixed at £5,500, and in no case can the amount exceed two-thirds of the value of the security offered. For the purpose of providing funds for the branch the Superintendent of the State Advances Office, in his corporate capacity, is authorized to issue bonds, or stock, or other securities. The securities so issued constitute a floating charge on the assets of the Branch (including in the term "assets" all mortgages for the time being securing loans granted by the Branch), and the aggregate amount of bonds or other securities so issued by the Superintendent must not at any time exceed the capital value of the mortgages for the time being held by the Superintendent as assets of the Branch. The securities so issued do not technically form part of the public debt of New Zealand, but provision is made for their redemption in the first place out of the Consolidated Fund. Provision for the initial expenses of the Branch is made by the authorization of transfers from the ordinary funds of the office. Securities issued by the Superintendent for the purpose of providing funds for the business of the Branch are made acceptable by him in repayment of advances. The commencement of the Act is postponed until April 1, 1927.

Bank of New Zealand.—No. 55 makes provision for an increase of the bank's capital to be utilized for the purposes of what is referred to in the Act as the bank's "Long Term Mortgage Fund." The purpose of the Long Term Mortgage Fund is to provide funds for the lending of money on the instalment system inaugurated by the State Advances Office (see No. 54, *supra*).

Civil Pensions.—The Pensions Act (No. 56) is a compilation without substantial amendment of the Pensions Act, 1913, and its several amendments. This Act has been prepared by the Compiler of Statutes and comprises the law relating to old-age pensions, widows' pensions, pensions to the blind, miners' pensions, and military pensions (exclusive of war pensions payable in respect of the Great War).

Borrowing Powers of Local Authorities.—The purpose of the Local Government Loans Board Act (No. 60) is to provide for the exercise of a measure of control over the borrowing activities of local authorities. As early as 1919 provision was made whereby the consent of the Governor-

General in Council became a condition precedent to the exercise by any local authority of any borrowing powers conferred upon it, whether directly by statute or by virtue of a decision of rate-payers expressed in manner required by statute. In practice, the consent of the Governor-General has been given wherever certain conditions as to the term of the loan and the rate of interest to be paid have been complied with. The present Act proposes a more effective form of control. It provides for the establishment of a Local Government Loans Board consisting of seven members, inclusive of the Secretary to the Treasury (representing the financial requirements) and the Engineer-in-Chief of the Public Works Department (representing the technical requirements). The function of the Board is to consider all proposals for the borrowing of money by local authorities, and the sanction of the Board is required before any recommendation can be made to the Governor-General in Council to authorize the borrowing of the money. The net result is that before a local authority can borrow money, it must not only have a definite statutory authority so to do, or have obtained the consent of its rate-payers by the taking of a poll in accordance with statutory requirements, but must also have secured the approval of the Local Government Loans Board and finally the consent of the Governor-General in Council. The Act comes into operation on April 1, 1927.

Local Legislation.—Speaking generally, legislation relating specially to the affairs of any particular local authority must be promoted in the form of a local Bill. There are many matters, however, of minor importance that require legislation but that hardly warrant the expense and formality incident to the promotion and enactment of a local Bill. For many years past matters of this kind have been dealt with in a general Bill promoted by the Government with the title of "The Reserves and Other Lands Disposal and Public Bodies Empowering Bill," and commonly known in parliamentary circles by the descriptive title of the "Washing-up" Bill. The purpose of this latter Bill was originally to facilitate the work of the general Government, and it contained a miscellany of disconnected provisions, validating irregularities of procedure, authorizing special transactions, reserving areas of land for special purposes, releasing lands from purposes for which they had been reserved and so on.

As time went on, the inclusion of local matters (in which the general Government was not specially interested) became more and more frequent, with the result that many matters which were of sufficient importance to justify the formalities attached to local Bills came to be inserted in this general measure. With a view of introducing some measure of reform into what threatened to become an abuse of parliamentary procedure, special Standing Orders were adopted by the House of Representatives. By virtue of these Standing Orders, provision was made for the introduction each year of a Local Legislation Bill in which should be included all those local matters of minor importance which hitherto had found their way into the "Washing-up" Bill. The Local Legislation Act (No. 61) is the first of these general measures and consists of sixty-six sections, dealing with subject-matters respectively affecting the affairs of County Councils, Borough Councils, Town Boards, Harbour Boards, Electric-power Boards, Land Drainage Boards, River Boards, Hospital Boards and other classes of local authorities.

Motor Omnibus Traffic.—Under the powers conferred on him by the

Board of Trade Act, 1919,[1] the Governor-General recently issued certain Board of Trade regulations designed to control motor-omnibus traffic. Some exception was taken to these regulations on the ground that the restrictions were such as should properly be imposed only directly by Parliament; and it was contended that for the Governor-General in Council to impose such restrictions by regulation was, in a general if not an exact sense, unconstitutional. It was contended also that in certain respects the regulations were *ultra vires* and legal proceedings were commenced to test the matter. Having regard to the far-reaching importance of its proposals, the Government had regard to the protests and the legislation now under review was introduced and passed. The Act (No. 67) constitutes several "motor-omnibus districts" and provision is made for the appointment of a licensing authority for each such district. A motor omnibus service can be established in a district only pursuant to an authority granted by the licensing authority and a special licence is required in respect of every motor-omnibus used in connexion with an authorized service. Every licensee is obliged to be indemnified by insurance against claims arising from the conduct of the motor-omnibus service, the minimum insurance requirements being fixed by the Governor-General by Order in Council. In determining whether or not application for authority to establish a service should be granted in any case, the licensing authority is directed to take into consideration existing facilities for the transport of the public; and where authority to establish a service is granted, the licensing authority is further directed to fix the fares to be charged and the routes to be traversed. Where, in the opinion of the licensing authority, an area is or can be conveniently served by an existing tramway or motor-omnibus service carried on by a local or public authority, the licensing authority must fix the fares to be charged by the licensee so as to exceed by at least 2*d*. the existing fares over any route or portion of a route common to both services. Provision is also made for the acquisition by local authorities of now existing undertakings, at a price which, in default of agreement between the proprietors and the local authority concerned, is to be fixed by a specially constituted Compensation Court. In fixing the price, no amount is to be allowed on account of goodwill. Provision is made for the constitution of a Transport Appeal Board for each district, to hear and determine appeals from decisions of the licensing authority.

Higher Education. — The New Zealand Agricultural College Act (No. 68) is part of the legislative scheme designed to give effect to the Report of Sir Frank Heath, K.C.B., referred to above (Act No. 28). The purpose of the Act is "to make further provision for higher education and Research in Agricultural and Applied Science in New Zealand." The Act establishes a college in connexion with the University of New Zealand to be called the New Zealand College of Agriculture. The Act does not expressly define the functions of the college, but deals exclusively with its constitution and government. Its connexion with the University of New Zealand is designedly somewhat indefinite. In this respect, it differs essentially from the several University Colleges (Otago, Auckland, Canterbury and Victoria) which by Act No. 70 (New Zealand University Amendment) are together declared to constitute the University of New Zealand. Hitherto, the University has been a corporation distinct from the affiliated institutions, which have

[1] See *Journal of Comparative Legislation*, Third Series, vol. iii, pt. ii, p. 91.

been exclusively teaching institutions, while the University itself has been exclusively an examining and degree-granting body. A movement in favour of the constitution of four separate and mutually independent universities has not won official approval, and the constitution of what is in effect a federal university (though that term is not used in the Act) is in the nature of a compromise between the old order and the new movement.

The Council of the University as constituted by the amending Act has authority to grant the following degrees: Bachelor and Master of Agricultural Science; Bachelor and Master of Architectural Science; Bachelor and Master of Forestry Science; Bachelor and Master of Home Science; Bachelor and Master of Medical Science; Bachelor and Master of Veterinary Science; Bachelor and Master of Arts; Bachelor and Master of Commerce; Bachelor and Master of Engineering; Bachelor and Master of Surgery; Doctor of Literature; Doctor of Philosophy; Bachelor and Doctor of Dental Surgery; Bachelor and Doctor of Medicine; Bachelor and Doctor of Music; Bachelor, Master and Doctor of Laws; Bachelor, Master and Doctor of Science.

V. WESTERN PACIFIC.

1. FIJI.

[*Contributed by* Sir Alfred K. Young, *Chief Justice.*]

During the year 1926 twenty-six Ordinances were passed. Of these nineteen were amending Ordinances and two appropriation. The following are the principal.

Sea-carriage of Goods.—No. 1 repeals the existing law on the subject and replaces the same so that Fiji may conform with international usage and so as to secure uniformity of maritime procedure in the matter of bills of lading. The Schedule to the Ordinance contains Rules which regulate the responsibilities and liabilities, rights and immunities of carriers of goods.

Education.—No. 9 amends s. 5 of the Education Ordinance, 1916, so as to empower the Board of Education to make regulations dealing with the medical examination of school children.

Promissory Notes.—No. 13 substitutes for the existing stamp duty on promissory notes (except bank notes) the following: not exceeding £25, 6*d.*; for every additional £25 or part thereof, 6*d.* The object of the amendment is to raise additional revenue.

Diseases of Plants.—No. 14 amends Ordinance No. 3 of 1913 so as to permit of the export tax on copra being allocated to a campaign against diseases and pests of coconut-trees.

Port and Customs Service Tax.—No. 17 imposes a tax at the rate of 2½ per cent. on the value of goods imported. The Ordinance further imposes a tax of 5*s.* 8*d.* per cent. on exports. The foregoing taxes are in addition to any existing customs or export dues. Provision is made as to the manner in which the value for the purpose of assessing duty is to be calculated.

Drugs and Poisons.—No. 19 repeals existing legislation on the subject and replaces the same so as to consolidate local legislation and give

effect to the decisions arrived at in 1924–5 by the League of Nations Opium Conference which sat at Geneva during those years. The Ordinance is conveniently divided into four parts. Part I deals with the sale of drugs and poisons. Part II, the manufacture, import and export of opium, cocaine, Indian hemp and other narcotic drugs. Definitions of the various drugs are given. Part III, Indian hemp and coca-leaf: definitions are given. Part IV, the making of Regulations and Penalties.

Schedule A to the Ordinance contains a list of substances which are poison under the Ordinance and Schedule C a list of articles which a licensed storekeeper may sell notwithstanding the provisions of the Ordinance.

Traffic.—No. 21 repeals existing legislation on the subject and consolidates the same so as to bring the whole of the traffic of the Colony under one control.

Part I of the Ordinance contains numerous definitions of terms and expressions used in the Ordinance. Part II empowers the Governor in Council to make Regulations dealing with a large number of subjects specified therein. Part III relates to offences. Part IV is general.

Customs Duties.—No. 24 permits of presents to patients and nurses of the Leper Asylum on the Island of Makogai being admitted free of duty: and imposes the same import duty on margarine as on butter, with the object of discouraging the importation of margarine and thereby still further protecting the butter made in the Colony.

2. WESTERN PACIFIC.

[*Contributed by* Sir Alfred K. Young, *Chief Judicial Commissioner.*]

In the Western Pacific under the Western Pacific Order in Council 1893, and the Gilbert and Ellice Islands Order in Council 1915, nineteen laws were passed during the year 1926. They were distributed as follows:

i. Gilbert and Ellice Islands Colony.

Ordinances passed—8.

Sea Carriage of Goods.—No. 1 brings the law into line with international usage and secures uniformity of maritime procedure in the matter of bills of lading.

Public Officer.—No. 3 provides for the payment of a month's salary or pension to the next of kin from the date of the death of a Public Officer.

War Legislation.—No. 4 repeals such legislation remaining in force.

Wireless Telegraphy.—No. 5 provides Regulations relating to the working of apparatus for wireless telegraphy on merchant ships in the waters of the Colony, foreign ships of war and aircraft.

Shipping.—No. 6 empowers the Resident Commissioner to cancel or suspend the licence of any vessel licensed to recruit labour or to trade in the waters of the Colony, when he is of opinion that the vessel has become unsafe by reason of defective hull, equipment, machinery or otherwise.

Promissory Oaths. — No. 7 provides for the taking in the case of certain office holders of the Oath of Allegiance, the Official Oath and the Judicial Oath as prescribed in the Ordinance.

Public Health.—No. 8 empowers regulations to be made relating to the preservation of Public Health, and specifies the principal subjects

with which such regulations should deal. The schedule to the Ordinance contains many regulations for effecting the purpose of the Ordinance.

ii. British Solomon Islands Protectorate.

King's Regulations—9.

Four King's Regulations, namely, Sea Carriage of Goods (No. 1), Public Officer (No. 2), Wireless Telegraphy (No. 4), and Promissory Oaths (No. 8), are similar to those Ordinances passed in the Gilbert and Ellice Islands, Nos. 1, 3, 5, and 7 respectively.

Preservation of Order.—No. 5 provides further for dealing summarily with certain petty offences, *e.g.* assault, larceny, abusive language, etc.

Liquor.—No. 6 amends the law so as to render a native liable to punishment who consumes any intoxicating liquor ; as well as the person from whom he obtained it.

Death and Fire Inquiries.—No. 9 provides a simple machinery for holding such inquiries by a deputy Commissioner or in his absence or inability to hold an inquiry by some other duly appointed person.

Bills of Sale.—No. 11 provides for the renewal of registration of bills of sale and substitutes a revised scale of fees payable in connexion with the registration etc. of a Bill of Sale.

iii. Kingdom of Tonga.

War Legislation.—No. 7 repeals all existing legislation under this head.

iv. New Hebrides.

Labour.—No. 10 permits of the employment by British subjects of female labour and male labour over fourteen but less than sixteen, under certain restrictive terms and conditions : and thereby amends the existing law in this respect.

In the New Hebrides, the Representatives of the British and French Governments are empowered by Article 7 of the Protocol of August 6, 1914, to issue jointly Regulations for the maintenance of order and good government. Four such Regulations were passed in 1926 and are binding on all the inhabitants of the group. By Art. VI of an Order in Council bearing date the 20th day of June, 1922, the High Commissioner for the New Hebrides or the Resident Commissioner, as the case may be, is vested with power to make King's Regulations applicable only to British subjects and persons subject to the jurisdiction of His Majesty. The above-mentioned Regulation is made under this authority.

VI. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*Contributed by* Charles W. H. Lansdown, Esq., K.C.]

The Parliamentary Session of 1926 which, save for a short Easter recess, sat continuously from January 22 to June 8, 1926, resulted in fifty-six measures being placed upon the Statute Book. The outstanding features of this large body of legislation are the consolidation of the Companies Laws ; substantial amendments of the laws relating to

criminal procedure, to procedure in insolvency and to Parliamentary and Provincial Council elections; the inauguration of a new law relative to usury; and the amendment of the constitution in the matter of the dissolution of the Senate.

Appropriation.—Acts Nos. 2, 8, 9, 10, 12, 21, 35 and 38 relate to the ordinary appropriation of expenditure for general or railways and harbours purposes.

Financial Administration.—Two Acts may be classified under this heading. The Financial Adjustments Act, No. 44, now an annually recurrent measure, enacts a number of special provisions chiefly concerned with financial matters and matters involving charges upon or expenditure of the public revenue of the Union. A number of its clauses are concerned with questions relating to public service or public service pension fund matters. The interest payable on the moneys of minors or lunatics held in trust by the State in the Guardians Fund is increased from 4 to 4½ per cent.; certain loans by the State to Irrigation Boards are increased by specific amounts; and an exemption from local government rating is enacted in favour of property in the Defence Endowment Account.

The Public Debt Commissioners (Amendment) Act, No. 50, extends the powers and functions of the Public Debt Commissioners appointed under Act No. 18 of 1911. The earlier Act undergoes considerable amendment. A sinking fund under the management of the Commissioners is established, and direction is given as to how this fund is to be financed and administered. The Commissioners may, in terms of s. 7 of this Act, substituting a new s. 16 of Act 18 of 1911, be required by the Minister of Finance to undertake the collection, administration, and investment of any public moneys, and the investments of moneys of any public institution or public body desiring the services of the Commissioners in this behalf.

Provincial Finance.—The Provincial Subsidies and Taxation Powers (further Amendment) Act, No. 31, effects certain additional adjustments of the financial relations between the Central Government and the Provincial Administrations. These adjustments mainly concern the grants in respect of education by the Union to the provinces, certain licensing questions, and the taxing powers of the provinces in respect of persons and the incomes of persons. Provision is made enabling the recovery in any province of the Union of any tax imposed in any other province.

Local Loans and Agricultural Credits.—The Local Loans Act (No. 19) establishes under the control of the Public Debt Commissioners a local loans fund of general application throughout the Union. The object of this fund is to provide a means of assisting local authorities in carrying out public works. The capital of the fund is provided for, and directions are conveyed as to the granting of loans to local government authorities, the security for the repayment of capital and interest on such loans, and the means by which the Public Debt Commissioners can secure repayment on failure of any borrower to meet his obligation.

The Agricultural Credit Act (No. 40) represents an attempt to provide credit facilities for farmers in circumstances in which the long-date credit against security of immoveable property available under the Land and Agricultural Banks Act cannot readily be made use of, and under conditions in which the ordinary commercial bank system cannot conveniently be adapted to the needs of the farming industry. The

main object of the Act is to provide specialized credit agencies through which, under a short-date personal credit system, a farmer could be provided with credit running for such time as the nature of his business demands.

Briefly the machinery designed to this end is as follows: The Central Board of the Land and Agricultural Bank divides the Union into agricultural loans circles, and establishes in each such circle an agricultural loan company with its principal office at a designated place within the circle. A loan company before beginning business must have a subscribed capital of not less than £5,000 divided into shares of £1 each which may be subscribed for and held by any person. The subscription lists are to be closed at the expiration of sixty days after opening, and the Land Bank is then to take up any unsubscribed amount. Shares may, and in some cases must, be held in the company by the rural credit societies, which are hereafter referred to, within the circle.

The business of a loan company is set out in s. 5 of the Act. It may, in terms of its regulations, grant accommodation to credit societies in its loan circle by discounting bills endorsed by such societies, and loans to individual farmers against the security of grain or other agricultural produce when represented in the form of an elevator or warehouse receipt, if the produce is to be sold through some co-operative agricultural organization approved by the Central Board of the Bank. A loan company may further, in accordance with its regulations, receive moneys on deposit from shareholders and non-shareholders, and rediscount with the bank bills endorsed by credit societies or drawn by individual farmers in respect of which accommodation or loans have been granted by the company. A general power is added to transact such other business as will, in the opinion of the Central Board, increase or assist agricultural or pastoral production.

Rural credit societies are to be formed in agricultural credit circles by persons not less than seven or, save with the authority of the Central Board, not more than fifteen in number, who are either whole or part-time farmers and are not members of any other credit society.

A credit society is not to be required to have any share capital: the funds necessary for carrying on its business are to consist of the proceeds of bills of its members endorsed by it and discounted with a loan company, the dividend received on shares held by it in a loan company, and other revenue funds including the reserve fund.

The business of a credit society is to grant in accordance with its regulations accommodation to its members against their bills having a currency not exceeding the limits of time set out in ss. 15 (1) (*a*) and 39; and to discount the bills of its members endorsed by it with the loan company carrying out business in the circle, provided that the total liability in respect of discounted bills shall not at any one time exceed an amount equivalent to £200 multiplied by the number of the society's members, and that the amount owing by any one member to the society in respect of discounted bills must not at any one time exceed £300. A society may further acquire shares in the loan company of the circle, and must acquire such shares to the amount of 1 per cent. on any bill discounted by it with the company. A general power is added to transact such other business as the Central Board may from time to time permit. The business of a credit society must, however, be confined to its members and to the loan company of the circle.

The purposes for which a credit society may grant accommodation to its members are enumerated in s. 16 of the Act. In general they include all expenses necessarily incidental to farming operations, but no accommodation is to be granted to a member to discharge a debt existing at the date of the application for such accommodation. The business to be done with the money advanced must be transacted through some co-operative agricultural organization approved by the directors of the loan company, but disposals or purchases through some other channel may be specially approved in writing by such directors. The society has a lien on stock and farming requisites purchased, and on buildings erected or crops grown, out of the proceeds of the loan.

C. 3 of the Act deals with loans to individual farmers. These may be granted by a loan company against the security of grain represented by an elevator receipt or against the security of grain or other agricultural produce represented by a warehouse receipt, if the document has been duly ceded to the company. Such a cession effects a transfer to the company of the ownership of the produce to which it refers. In the event of the non-payment at maturity of any loan thus secured, or in the event of the death or insolvency of the debtor or the assignment of his estate, the loan company may, without recourse to a Court of law, sell the property held in security and defray therefrom the amount of the debt.

Taxation. — The Income-tax Act (No. 36) fixes in respect of the year of assessment ended June 30, 1926, the rates of normal tax and of super-tax, and effects certain amendments to the principal Act—the Income-tax Act (No. 40) of 1925. Any amount is to be deemed to be income derived from a source in the Union if it is received by any person ordinarily resident or carrying on business in the Union by way of interest on any stocks or securities issued by the Imperial Government or the Government of any other State (other than stocks or securities issued in the Union by the Government of Southern Rhodesia prior to the 1st day of January 1926), if such amount is not chargeable with income-tax in the country of origin by reason of the recipient not being domiciled or resident therein.

The Customs Tariff (Amendment) Act (No. 34) amends in a number of directions, shown in the First and Second Schedules, the customs tariff fixed under Act No. 36 of 1925. The provisions of s. 6 (2) of Act No. 35 of 1925 (which grants rebates in respect of goods which having been grown, produced or manufactured in Canada, Australia or New Zealand are imported therefrom for consumption in the Union) is by s. 1 of the present Act extended so as to apply to similar goods grown, produced or manufactured in the United Kingdom and imported into the Union therefrom. It is further provided that, in the event of one of the Dominions named withdrawing the preferential tariff rates applicable to goods grown, produced or manufactured in the Union, the rebate granted in the Union in respect of the goods of that Dominion shall cease.

Senate. — The Senate Act (No. 34) enables the Governor-General within one hundred and twenty days of any dissolution of the House of Assembly to dissolve the Senate, and provides that upon any dissolution of the Senate, whether in the exercise of the power so conferred or in terms of s. 20 of the South Africa Act, the nominated members of the Senate shall vacate their seats and their nominated successors shall,

subject to the provisions of the South Africa Act, 1909, or of any other law, hold their seats for a period of ten years from nomination, or until the next succeeding dissolution of the Senate, or until a change of government has occurred, whichever be the shortest period. This last mentioned event is to be deemed to have taken place whenever another person than the Prime Minister for the time being becomes Prime Minister and the Governor-General has published a notice in the *Gazette* that a change of Government has occurred.

Payment of Members of Parliament.—Act No. 51 repeals the Payment of Members of Parliament Act (No. 21) of 1916, and substitutes a new s. 56 of the South Africa Act, 1900, dealing with the remuneration of members of Parliament. Such members (excluding Ministers of State, the President of the Senate and the Speaker of the House of Assembly) are in future to receive an allowance of £700 per annum paid in monthly instalments. Provision is made for a deduction of £6 per diem in respect of absences for periods, or on occasions, when such absence cannot be condoned in terms of the relative provision of the Act.

Franchise and Electoral Law.—Act No. 23 effects a certain minor alteration of the Parliamentary franchise qualification in the Province of the Cape of Good Hope.

The Electoral Act, No. 11, which is to form part of and be read together with the principal Act No. 18 of 1918, effects substantial amendments of the earlier measure, more particularly in relation to the provisions for the registration of voters at elections for members of the House of Assembly and of Provincial Councils and the conduct of such elections.

In future no person is to be entitled to registration as a voter in any division unless he shall have actually resided in such division for at least three months immediately preceding the commencement of registration, or, if he has not actually so resided, unless he, during that period, retained his home in the division and was absent therefrom merely for some temporary purpose; but this franchise disqualification on the ground of residence does not disqualify the person concerned from being elected or to sit as a member of either House of Parliament or of a Provincial Council.

Another amendment of registration qualification effected by s. 4 makes occupation or the receipt of salary or wages in other parts of the Union or in the Mandated Territory of South-West Africa valid occupation or remuneration for the purposes of qualification in the Cape Province.

A number of important alterations are made in the machinery for the registration of voters and the conduct of elections, and provision is made for the appointment of a Chief Electoral Officer who is to be a member of the Public Service and whose duties and functions are to be as prescribed by the Act or Regulations. S. 45 of the Act is an important provision under which absent voters may record their votes through the post.

The Act lays important duties upon the proprietors and publishers of newspapers. They are required by s. 40 to render sworn information of electoral matter inserted in their newspapers for remuneration at any election, and by s. 45 (amending s. 91 of the 1918 Act) they must cause the word "advertisement" to be printed as a headline to all electoral matter printed or published in their newspapers for reward, electoral matter in this connexion including all matter which, on the face of it,

is intended or calculated to affect the result of an election, and any report of the speech of a candidate if the insertion of such report is to be paid for. Further, all matter appearing in a newspaper which, on the face of it, is intended or calculated to affect the result of an election must bear at the foot thereof the full name and address of the person by whom it was written, and if the matter was materially altered by the editor of the newspaper it must also be signed by him.

British Nationality in the Union and Naturalization and Status of Aliens.—Act No. 18 was passed to make provision as to British nationality in the Union and further provision as to the naturalization of aliens in the Union. It repeals the Naturalization of Aliens Act No. 4 of 1910.

C. I, which sets out the classes of persons who shall in the Union be deemed to be natural born British subjects, follows the provisions of the British Act 4 & 5 Geo. V, c. 17, as amended by 12 & 13 Geo. V, c. 44.

In c. II, which deals with the naturalization of aliens, the corresponding provisions of the British Acts are adopted subject to certain modifications and conditions. The remaining provisions of the Act, including those dealing with the loss of British nationality, the revocation of certificates of naturalization, the national status of married women and minor children, and procedure and evidence, follow in the main the corresponding provisions of the British Act.

Pensions and Conditions of Service of State Servants.—Acts Nos. 41 and 42 make the usual annual provision for the award to the persons mentioned in the Schedules of the pensions, grants, gratuities or other pensionable benefits specified in the Schedules in respect of each such person.

Act No. 49 provides for the payment or adjustment of pension and retiring allowances and other benefits to officials of the late Republic, "official" being defined to mean every person who on October 11, 1899, was an official of the South African Republic, including any member of the police or state artillery of the Republic and who was compensated in respect of his republican service under the principal Act (*i.e.* Act No. 19 of 1908 of the Transvaal) but as excluding a person who was in the service of the Netherlands South Africa Railway or the Pretoria–Pietersburg Railway Company.

Act No. 30 effects two minor amendments of the conditions of service of the railways and harbours servants.

Railway Construction and Industrial Development.—The Railway Construction Act (No. 48) conveys authority for the construction and equipment of an extension of the line of rail to the south bank of the Pongola River authorized to be constructed by Act 31 of 1924 and grants certain general authority for the incurring by the Railways and Harbours Administration of certain preliminary expenditure in connexion with proposed new constructions.

The Iron and Steel Industry Encouragement Act (No. 43) provides for an alteration of the financial years during which bounties may be paid in respect of pig-iron and steel produced in the Union from ore mined in the Union.

Act No. 7 makes certain additions to the Wine, Spirits and Vinegar Act (No. 15 of 1913), the principal object being to enable the Governor-General to make regulations to control the use of sugar in the manufacture or manipulating of wine or spirits.

Act No. 14 effects a number of amendments to the Dairy Industry Act (No. 16 of 1918) which have in practice been found to be necessary for the due and proper regulation of the dairy industry. *Inter alia* clearer definitions are given of the terms " butter " and " butter substitute," and provision is made for the fixing of standards for ice-cream.

Power is placed in the hands of the Governor-General by Act No. 47 to control the prices at which sugar may be sold or disposed of in certain coast areas of the Union. This control is to operate in respect of refined sugar, which is to be defined to mean all such sugars of refined quality as are refined by the bone-char-filter, vegetable carbon, or the carbonatation process. Candy, loaf, castor, icing and cube sugar are expressly excluded from the operation of the Act.

The Perishable Products Export Control Act (No. 53) repeals Act No. 12 of 1925, under which the control of the export and shipment of fruit from Union ports was first undertaken, and substitutes a measure which extends control in this respect to the export and shipment of perishable products generally, a term defined to meet fruit, eggs, butter and cheese, and such other products as the Governor-General, after resolution to that effect by both Houses of Parliament, may proclaim to be perishable products. The control is exercised by means of a Board established at Cape Town consisting of members appointed by the Governor-General, for the most part representative of particular industries concerned. The general functions of this Board, which is a body corporate, are to ascertain the quantities of perishable products to be exported oversea, to make all the necessary arrangements for the sea transport of such products and for the necessary cold storage accommodation, and to control the export of such products including the determination of the ships by which consignments shall be conveyed. When the Board deems it necessary it may cause perishable products for export to be diverted to another port of shipment than that designated by the exporter, and it may further, with the approval of the Minister of Railways and Harbours, take such steps as it may deem expedient and practicable to equalize as between exporters the rates of freights payable by exporters in respect of any particular kind of product exported from any port of the Union during any particular period. The Act devises a scheme under which each class of perishable product exported shall contribute by means of levy its proper proportion of the total expenditure of the Board.

The application of the Act is excluded in respect of the export of perishable products to and for consumption in the Bechuanaland Protectorate, Basutoland, Swaziland, the Mandated Territory of South-West Africa or the Belgian Congo.

Company Law.—The Companies Act (No. 46) which commences on January 1, 1927, consolidates and amends the laws in force in the several provinces of the Union (other than special laws) relating to the constitution, incorporation, registration, management, administration and winding-up of companies and other associations. This important consolidation measure was first introduced into Parliament in 1923, when it received the consideration of a Select Committee of the House of Assembly. It repeals all the existing laws which in the Provinces of the Cape, Natal and Orange Free State were diverse and out of date. The most up-to-date company legislation in the Union existed in the Transvaal, in which province the Companies Act No. 31 of 1909 substantially

followed the lines of the British Companies (Consolidation) Act of 1908–9, Edw. VII, c. 59.

The British Act with its amendments has, in the main, been followed by the present South African Consolidation Act. The registration and surveillance of companies are placed in the hands of the Registrar of Companies, whose office is in Pretoria, but to meet the requirements of the provinces the existing company records are to be retained in the hitherto existing registries at the provincial capitals, and copies of all memoranda or articles of association registered at the central registry are to be transmitted to those offices.

C. I of the Act deals with constitution and incorporation, c. II with the distribution and reduction of share capital and the registration of unlimited companies as limited, c. III with the important matters of administration, and c. IV with the winding up of registered companies.

The winding up of a company may be either by a Court or voluntarily, the third method of winding up hitherto existing in the Transvaal practice, namely, subject to the supervision of the Court, being eliminated. The winding up of unregistered companies is dealt with in c. VII of the Act which, in the main, applies the provisions for the winding up of registered companies.

A novel feature of the winding up provisions of c. IV is that contained in ss. 195–198, which introduces a system of judicial management in substitution for winding up in certain cases. Whenever application is made to any Court having jurisdiction for the liquidation of any company on the ground that such company is unable to pay its debts, or that, by reason of its mismanagement or of its probable inability to meet its obligations or to become a successful concern or for some other cause, it is just and equitable that the company should be wound up, and the Court, upon consideration of the facts, is of opinion that, notwithstanding any present inability of the company to meet its obligations or the existence of any other fact or circumstance alleged in the application, there is a reasonable probability that if the company be placed under judicial management it will be enabled to meet such obligations and to remove the occasion for liquidation or dissolution, and that it is otherwise just and equitable that the grant of an order of liquidation should be postponed, the Court may, instead of granting a liquidation order, place the company under judicial management for a definite or indefinite period.

Such a judicial management order may also be granted by the Court on the application of a shareholder or creditor for mismanagement or other just cause, or in the case of a company in which the Government is interested as the grantor of a loan or of any bounty or other financial aid, on the application of any Minister of State or of the Master of the Supreme Court proving mismanagement or some just cause.

A judicial management order places the company concerned under the management, subject to the supervision of the Court, of a particular person who must, as soon as practicable and not later than three months after the date of his assumption of management and at intervals of three months thereafter, submit to a meeting of the company and to the Master of the Supreme Court a statement as to the company's financial position. A judicial management order further gives such directions as to the management of the company or any matter incidental thereto as the issuing Court may deem fit to give. Such directions may include

power to the judicial manager to raise money on debenture or otherwise without the authority of shareholders but subject to the rights of creditors.

The duty of the judicial manager is to endeavour to bring the concern into successful condition. Upon his application or the application of any person interested, the order may be discharged at any time if it appears to the Court that its purpose has been fulfilled.

C. V of the Act deals with foreign companies. Such a company (other than a banking company or insurance company) having a place of business in the Union must lodge with the registrar a certified copy of its charter, statutes, memorandum or articles of association or other instruments of constitution. A list of the names and addresses of the directors and the names and addresses of some one or more persons resident in the Union authorized to accept on behalf of the company service of process must be lodged, and the Registrar is to be kept apprised of all essential changes in the constitution or officers. In certain circumstances relief from transfer duty is granted to a company which proposes to wind up its affairs for the purpose of transferring its business to a company registered under the Act.

C. VI (ss. 205–7) of the Act contains restrictions upon the application of the measure. In the main the exemptions comprise banking and insurance companies, co-operative associations registered under the law governing those concerns, building societies, friendly societies and Trades Unions.

The Act repeals those provisions of the Cape and Natal Laws which impose licences on the joint stock capital of companies, and by s. 228 places upon every company to which the Act applies the obligation to obtain an annual licence for which there is payable a sum of 5*s*. for each £1,000 or part thereof of capital subscribed, subject to a minimum payment of £1.

The Schedules to the Act contain model memoranda and articles of association, a form of the statement which may be lodged with the Registrar in lieu of prospectus, and regulations for the management of a company limited by shares.

Insolvency.—Act No. 29 was passed principally with the object of effecting certain amendments which practice has dictated as desirable in the law relating to the administration of insolvent and assigned estates which was codified by the Insolvency Act No. 36 of 1916. It is a measure of seventy-four sections, is to be read as one with the principal Act, and is to come into operation on October 1, 1926.

An outstanding feature of this measure is the extension of the area of the legal effect of a sequestration to cover in certain circumstances a portion of the estate of a spouse of the insolvent not living apart from the insolvent under a notarial deed or judicial order of separation. The effect of the sequestration is forthwith to vest in the master, and later in the trustee, the property of the spouse whose estate has not been sequestrated as if it were property of the sequestrated estate, with power to deal with such property accordingly. The trustee must, however, release such of the property of the solvent spouse as is shown to be the separate property of that spouse immediately before the marriage, or to have been acquired by that spouse under a marriage settlement or during the marriage by a title valid as against creditors of the insolvent, or to be a protected life insurance policy, or to have been acquired

with any such property or with the income or proceeds thereof. As a further protection for the solvent spouse certain restrictions are placed upon the disposition by the trustee of the property of that spouse.

S. 70 provides that wherever a claim against a sequestrated or assigned estate is in respect of the value of goods delivered under a condition suspending the passing of the property in the goods until certain payments have been made, the agreement is, upon the sequestration or assignment of the debtor's estate, to be deemed to create in favour of the creditor a special pledge of such goods whereby the amount of the outstanding debt is secured. If in terms of the agreement the debtor has returned the goods to the creditor within one month prior to the sequestration or assignment, the trustee or assignee is entitled to redelivery of the goods by the creditor subject to payment to the creditor or to deduction from the value, as the case may be, of the difference between the total amount payable under the agreement and the total amount actually paid thereunder.

S. 71 of the Act contains important provisions dealing with hire-purchase agreements, which though not strictly part of an enactment dealing with the administration of insolvent estates, is included under the justification that it is a measure for the relief of debtors with a view to the prevention of insolvencies. In every hire-purchase agreement certain conditions are to be implied notwithstanding anything to the contrary contained therein. These conditions are that if the trader resumes possession of the goods, the purchaser shall be entitled, if within twenty-one days after the resumption he pays all the arrears due under the agreement, to demand redelivery, and if the trader resumes possession after payment of not less than 60 per cent. of all the amounts payable under the agreement, the purchaser is entitled within twenty-one days after such resumption to require the trader either to sell them by public auction within one month or if the parties so agree by private treaty. After the sale the trader deducts the costs incidental thereto and all moneys payable under the agreement less the total amounts of any payments actually made thereunder, and pays over the balance of the proceeds to the purchaser, furnishing the latter with a full statement of account.

S. 72 of the Act deals with the rights of the purchaser of immoveable property who has paid part of the purchase price—also a matter not directly connected with administration in insolvency. Such a purchaser who has paid not less than 50 per cent. of the price may demand from the vendor transfer of the property on condition that simultaneously with the registration of transfer there shall be registered in favour of the vendor a first mortgage bond over the property to secure the balance of the purchase price and interest in terms of the agreement of purchase. If the seller fails to give such transfer as soon as may be, and in any case not later than three months after receiving the demand, the purchaser may treat the contract as cancelled and may recover the purchase price paid by him together with such damages as he may have sustained.

Usury.—Act No. 37 presents an attempt to deal in the Union with the problem of usury. Its provisions are to apply to every transaction which, whatever its form may be, is substantially one of moneylending and whether or not the transaction forms part of any other transaction. Shipping risks and *bona fide* hire-purchase transactions are not affected,

and, save as to the forms which instruments of debt are to take, the South African Reserve Bank and *bona fide* banking institutions are exempted from the provisions of the Act. The same measure of exemption is granted in respect of any commercial transaction to which a moneylender is not a party, " moneylender " for the purposes of the Act being defined as a person who carries on a business of moneylending at a rate of interest exceeding 10 per cent. per annum, or who advertises or announces himself or holds himself out in any way as carrying on such business. Pawnbroking transactions are also excluded from the operation of the Act in so far as they are governed by the pawnbroking laws; and friendly societies, while made subject to the provisions of the Act as regards rate of interest, are exempted in other respects.

The rates of interest fixed for loans of money range from 30 per cent. per annum where the amount lent within any period of three months does not in the aggregate exceed £10, to 12 per cent. where the total amount lent as aforesaid exceeds in the aggregate £50; but this is irrespective of certain conveyancing charges, rates and taxes, renewal premiums, and costs which, in terms of the contract or of South African practice, are payable by the borrower. The Act further limits to 5 per cent. on the capital amount of the loan the rate of charge or reward for endorsing or for giving any guarantee in respect of any instrument of debt. The *bona fide* holder for value of any negotiable instrument of debt not emanating from a moneylender which has been discounted by a preceding holder at a rate of interest exceeding that authorized by the Act may recover the amount thereof.

When a loan of money at a rate exceeding 10 per cent. is made and the obligation of the debtor is not evidenced by a bond or other instrument registered in a deeds registry, the lender must, at the time of the loan, take from the borrower a document signed by the latter setting out particulars of all the essential parts of the transaction, and the borrower is at all reasonable times entitled to demand a copy of such document and particulars of the payments and appropriation thereof made in respect of it.

Moneylenders, as hereinbefore defined, are specifically dealt with in sections, based on recent legislation of the Imperial Parliament, restricting or prohibiting any moneylending circulars and placing upon them duties in regard to the affixing of their true names and titles to their premises and documents issued by them.

Mineral Laws.—Act No. 55 makes further provision for the working of minerals on land alienated by the Government subject to the reservation to the Crown of the minerals thereon or therein.

Act No. 52 effects further amendments of considerable importance to the Precious and Base Metals Act (No. 35 of 1908) of the Transvaal. In particular s. 127 of the earlier Act as to the powers of the State to ensure adequate development work on mining propositions.

S. 4 of the Mines and Works Act (No. 12 of 1911) (which confers upon the Governor-General the power to make regulations as to mine works and machinery) is by Act No. 25 so amended as to enable the Governor-General to provide that in certain provinces, areas, or places, certificates of competency in certain higher classes of occupations shall be granted only to Europeans, Cape coloured people, Cape Malays, Mauritius Creoles, or St. Helena persons or their descendants born in the Union. Powers are also conferred to restrict particular work to,

and in connexion therewith impose duties upon these classes of persons, to apportion particular work as between these classes, and to require such proofs of efficiency as may be prescribed.

Native Affairs.—Certain amendments of the Native Taxation and Development Act (No. 41 of 1925) which have been found necessary in practice are effected by Act No. 28 of 1926.

Act No. 27 amends the Native Affairs Act (No. 3 of 1920) in respect of the power conferred upon local Native Councils. These powers, or some of them, may now be temporarily withheld from a local Council where the native people represented by it have not, in the opinion of the Native Affairs Commission, reached a stage of development which justifies the relegation to them of the full powers of a Local Council.

Contracts of service between farmers and natives in the Transvaal and Natal Provinces are by Act No. 26 made valid contracts of service under the Masters and Servants Law of those provinces respectively, notwithstanding that certain of the requirements of those laws are not fulfilled by such contracts.

Education.—In the interests of agricultural science and the consequent development of agriculture within the Union, Parliament decided by Act No. 45 to amalgamate the faculty of agriculture of the University of Stellenbosch and the Government institution known as the Elsenburg School of Agriculture at that place. These two institutions are combined to form a college of agriculture, and Act No. 45 sets out the conditions of the amalgamation and the principles governing the administration of the new college.

By Act No. 32 certain schools established in the Cape Province under the South African College (now the Cape Town University) and the Victoria College (now the Stellenbosch University) are transferred to the educational trustees constituted under the Provincial Educational Ordinance No. 5 of 1921 of the Cape of Good Hope. The result is that these schools now cease to be special institutions and come under the ordinary administration of lower education which is vested in the Provincial Council.

Fugitive Criminals.—Act No. 13 makes further provision as to the passage of fugitive criminals through the Union while in the course of extradition from one country outside it to another such country, and for the return of fugitive criminals as between the Mandated Territory of South-West Africa and certain countries, colonies and territories.

Criminal Procedure.—The laws of Criminal Procedure in the colonies which in 1910 were united to form the Union were consolidated in 1917. The Criminal Procedure and Evidence Act (No. 31 of 1917), together with those parts of the Magistrates Courts (Act 32 of 1917) which referred to criminal procedure, constitutes a criminal procedure code applicable throughout the Union. While this code has, in general, given complete satisfaction, experience has revealed certain matters in which modification or extension of its provisions would be desirable in the interests of the administration of justice, and this revision was undertaken by Parliament in its 1926 session, resulting in Act 39, which consists of sixty-two sections.

An important constitutional change is effected by s. 1 of this measure. All powers, authorities and functions relating to the prosecution of crimes and offences in the name and on behalf of the King, which by s. 139 of the South Africa Act were placed in the hands of the Attorneys-

General of each province or in the Eastern Districts of the Cape Province the Solicitor-General, are transferred from these officers to the Minister of Justice. The officers referred to continue, but in the capacity of deputies of the Minister of Justice, to exercise their previous powers, authorities and functions relating to the prosecution of crimes and offences.

For the rest the Act effects a considerable number of changes in the law of criminal procedure, one of the chief of which is a substantial amendment of the rule that no accused person may be compelled to give evidence for the prosecution by revealing facts concerning his own body. Extension is made of the area of competency and compellability of husband and wife as witnesses against each other. This competency and compellability are now extended to the following classes of offences: offence against the person of either or any child of either, bigamy, incest, abduction, contravening the immorality statute, perjury or false statement in or for judicial proceedings by one against the other or in any criminal proceedings in which the accused spouse was a competent and compellable witness against the other.

Local Government Affairs. — With a view to enabling Provincial Councils to establish public health committees for the exercise of certain functions of local government in certain areas for which, under existing legislation, there are no local government bodies provided, and to validate the acts done by such bodies which it was found had existed without the necessary legislative authority, Act No. 1 was passed. It effects the necessary extension of s. 85 of the South Africa Act, 1909, and conveys the requisite validation.

Six other Acts may be grouped under the heading of local affairs, but since they are of no other than merely local significance further mention of them here is unnecessary.

Radio.—The Radio Act (No. 20) brings under the control of the Postmaster-General all radio activities throughout the Union, save that the Act is to have no application to radio when used by the military forces of the Union or by ship or shore stations used by His Majesty's Navy. The Postmaster-General is empowered to make regulations for the due exercise and control thus vested in him, and he is authorized by s. 3 to establish and operate radio transmitting and receiving stations at any points within the Union and to take over on behalf of the Union and to operate any radio station licensed under the Act on payment of any reasonable compensation to the licensee.

The transmitting or receiving by radio of any sounds, signs or signals is made subject to a licence from the Postmaster-General save in the case of ships of the merchant service licensed by another Administration. Such a licence is issued under conditions to be determined and upon payment of the fee to be prescribed by the Postmaster-General.

The transmitting or receiving of radio telegrams is to be the exclusive privilege of the Postmaster-General, who may however, under conditions imposed and on payment of the fee prescribed by him, grant a licence to any person to accept, transmit or receive radio telegrams, and make in respect thereof charges to be authorized by the Postmaster-General. Such a licensee is to observe the stipulations of any international telegraphic or radio telegraphic convention to which the Union may be a party, and the regulations framed thereunder. By s. 17 the Postmaster-General is empowered at any time, if circumstances seem

to him to render such a course desirable, to cancel licences for transmission or reception by radio.

No person is to be employed as an operator at a radio transmitting centre within the Union, or on board any vessel registered in the Union, unless he is a British subject.

Miscellaneous.—Five Acts not elsewhere in this report classified remain to be mentioned.

Act No. 6 provides for the establishment and control of settlements for the relief of indigent persons, provides the circumstances under which such settlements will receive State recognition and assistance, and prescribes conditions of governance. Act No. 24 sets out the conditions for admission to practice of conveyancers in the Province of Natal.

A permanent Irrigation Commission is established by Act No. 33. The functions, powers, and duties of this body are defined and special provision is made for the acquisition, development, and disposal of land under irrigation schemes in certain areas. By s. 5 power is conferred upon the Minister charged with the administration of the Act for the acquisition and disposal of land for settlement purposes in irrigation settlement areas, *i.e.* areas within which the development upon and settlement of land under irrigation schemes had before or after the commencement of the Act taken place. Power is further given to define as an Irrigation Settlement area any other area which appears suitable for such development and settlement.

By Act 22 the Mental Disorders Act 38 of 1916 of the Union together with any amendment thereof and any regulations made thereunder is applied to the Mandated Territory of South-West Africa.

Act No. 56 constitutes a certain area of land in the Transvaal, the Kruger National Park for the propagation, protection and preservation therein of wild animal life, wild vegetation and objects of geological, ethnological, historical and other scientific interest for the benefit, advantage and enjoyment of the inhabitants of the Union. The Act further authorizes the Governor-General after resolution of both Houses of Parliament to that effect to constitute any other area of land a national park under the Act. Provision is made for the governance of the parks and for necessary regulations.

2. CAPE OF GOOD HOPE.

[It is hoped to publish this Summary in the next *Review*.]

3. NATAL.

[*Contributed by the* Hon. Mr. Justice Tatham, D.S.O.]

Local Administration and Health Boards.—The purpose of the Ordinance (No. 4) is to create local authorities in rural districts, not controlled by municipal government, for the proper enforcement of the Public Health Act, 1919.

The Administrator is empowered to proclaim areas to be included in stated boundaries. The proclamation is to state the number of members to constitute the Health Board in that area.

Boards are elected by persons possessing the parliamentary franchise

who either own or rent land or reside or carry on business within the proclaimed area. Provision is made for the mode of summoning meetings for election purposes. Persons attending the meeting may vote if qualified. Voting is by ballot.

If a proclaimed area does not elect a Board, the Administrator may appoint.

Boards are empowered to carry out works and to inspect works, and are required to carry out within their respective areas the duties imposed on local authorities by the Public Health Act.

Special powers are conferred on Boards to (*a*) ensure proper sanitation by compelling cleanliness, preventing the use of insanitary premises, regulating the use, construction and position of sanitary appliances and the disposal of refuse; (*b*) prevent overcrowding; (*c*) regulate or prohibit the keeping of animals; (*d*) compel the use of selected burial-places; (*e*) control and restrict offensive occupations; (*f*) enter private premises; (*g*) regulate the character of buildings; (*h*) compel the proper repair of buildings; (*i*) control water supply and to prevent pollution of water; (*k*) control the supply of foodstuffs so as to ensure the use of wholesome foodstuffs; (*l*) define roads and rights of way; (*m*) construct watercourses, drains and sewers, with powers of land expropriation for those purposes; (*n*) regulate and control traffic on roads; and (*o*) prevent and abate nuisances, *inter alia*, disorderly conduct, keeping of brothels, use of indecent or provocative language in public, exhibition of indecent pictures.

Boards may enter into contracts, may appoint staffs, may make by-laws, subject to the approval of the Administrator.

Expenses of Administration are met by rates leviable by a Board on all land and moveable or immoveable buildings, either on a valuation basis or on a flat rate as each Board may determine.

Costs of litigation involving questions affecting the constitution or authority of Boards are payable out of Provincial Funds.

If a Board neglects to provide sufficient funds by rates, or otherwise neglects its duty, the Administrator of the Province may apply to the Supreme Court for a mandamus.

Traffic.—Ordinance No. 18 consolidates and amends the laws relating to motor-cars and traffic on public roads.

All owners of motor vehicles must register them within one week after acquirement. The fees for registration are £3 for a motor-car, £5 10s. for an omnibus, 10s. for a cycle and 15s. for a cycle and side-car or trailer. In addition there is an annual tax, varying with the capacity and weight of the vehicle, and ranging from a maximum of £20 to a minimum of £1. An allowance is made for such part of each calendar year as shall have expired before the acquirement of the vehicle at the rate of one-quarter of the tax for each quarter of the year. A visiting car need not be registered if it is not kept within the Province for a period exceeding three months. Tractors used for farm work need not be registered and are not taxable. Cars incapable of use or dismantled need not be registered while in that condition if the owner obtains a certificate from a registrar of vehicles. Cars left with dealers for sale need not be registered until sold. Dealers may upon application and payment of a registration fee obtain exemption in some respects from the provisions of the Ordinance. Notice of sale of cars must be given to the registrar within one week. Obligations as to this and penal-

ties for disregarding them are imposed on both sellers and buyers of cars.

The Ordinance makes elaborate provision for the regulation and safety of road traffic, too long to detail here. No person is permitted to drive a car without having in his possession a certificate of competence, obtainable from registrars of areas. Learners may obtain exemption under prescribed conditions. Drivers of public vehicles must obtain special certificates, which are liable to cancellation under certain stated circumstances.

Road rules are prescribed by Traffic Advisory Boards.

Elaborate rules are set forth in the Ordinance to prevent reckless or fast driving. Penalties include fine and/or imprisonment and suspension or cancellation of licence.

Dogs.—Ordinance No. 22 provides for the payment of an annual licence of 12*s.* 6*d.* for each dog kept by a private owner.

Income-tax.—Ordinance No. 24 imposes a Provincial Income-tax for provincial purposes.

The tax is fixed at 7½ per cent. of the income-tax payable to the Union Government.

The Ordinance also imposes a poll-tax of £1 upon every male adult who does not pay income-tax. Natives are exempted.

The ordinance contains the usual provisions for ascertaining the liability of the tax-payer and enforcing payment.

4. ORANGE FREE STATE.

[*Contributed by* H. Pring, Esq.]

During the year 1926 thirteen Ordinances were passed by the Provincial Council of the Orange Free State. Four of these were Appropriation Ordinances, *i.e.* Nos. 1, 2, 3 and 13.

Auction Duty.—Ordinance No. 4 provides for the exemption under certain conditions from payment of auction duty on sales of wool by public auction.

Ordinance No. 13 of 1922 provided for the issue of a Wool Auctioneer's Licence, the holder of which was exempted from the payment of auction dues; but as the Licences Consolidation Act, No. 32 of 1925, passed by the Union Parliament, which provides for the licensing of Trades, Professions and Occupations within the Union and fixes the licence duties payable, made no provision for the issue of such a licence, Ordinance No. 13 of 1922 was to all intents and purposes repealed. Ordinance No. 4 of 1926 therefore revives the provisions of Ordinance No. 13 of 1922—although in different terms the effect is the same.

Roads.—The Special Road Boards Ordinance (No. 5) provides for the appointment of Special Road Boards to review decisions of District Road Boards under Ordinance No. 6 of 1912. Under the existing law an applicant may, on depositing a sum of £10, renew an application for the closing of a road, etc., as often as he pleases notwithstanding a chain of decisions adverse to him.

The Ordinance provides that no person can make application for the review of a decision given by a Special Road Board until after the lapse of twelve months from the date of such decision.

Entertainment Tax.—Following the policy of the Union Government in encouraging agriculture in every possible way, Ordinance No. 6 exempts from the Entertainment Tax, subject to the approval of the Administrator, all entertainments given under the auspices of or for the benefit or on behalf of any society formed for the purpose of promoting agriculture in its various branches. Under the existing law only entertainments given by an Agricultural Society itself are exempt.

Motor-car and Wheel Tax.—Ordinance No. 7 provides for the payment of a compounded wheel tax in respect of new or second-hand motor-cars owned and held for sale by any licensed dealer in motor-cars. Motor-car dealers under the Motor-car Ordinance pay a compounded registration fee and provision is now made for a similar procedure in regard to wheel tax.

Ordinance No. 11 amends Ordinance No. 7 of 1914 and No. 8 of 1921 to ensure the payment of motor-car registration fees and wheel tax to the proper authority, considerable confusion having existed hitherto.

Vermin Destruction.—Ordinance No. 8 repeals and re-enacts with amendments Ordinances No. 4 of 1914, No. 10 of 1917 and No. 10 of 1921 relating to the extermination of vermin.

Whilst the Ordinance does not compel owners and occupiers of farms to take part actively in the destruction of vermin, it nevertheless confers the power on any vermin club, duly established and recognized as such by the Administrator, to enter upon the farm of any member or non-member of a club and there destroy vermin. The principle that payment should be made to a club for all vermin killed on a non-member's farm is maintained. Whilst certain privileges are allowed to hunt clubs, the owner of a farm is safeguarded against wanton acts of destruction or damage on the part of the hunters.

Tax on Persons and Companies.—Ordinance No. 9 takes the place of and in general tenor is the same as the Tax on Persons and Companies Ordinance No. 12 of 1925 which lapsed having been enacted only for the tax year ending June 30, 1925. Since the lapsing of Ordinance No. 12 of 1925 the Provincial Subsidies and Taxation Powers Further Amendment Act has been passed by the Union Parliament and the Provincial Government is enabled thereunder to graduate the tax on persons according to income; but such tax may not exceed £5 in respect of any person.

The rate of tax has accordingly been altered, and consequentially certain of the provisions of Ordinance No. 12 of 1925 have been amended and amplified.

Pensions.—Ordinance No. 10 amends in certain respects the Teachers' Pensions Ordinance No. 8 of 1920, and provides for the recognition for pension purposes previous service under a Government Department of the Union.

Local Government.—The Local Government Consolidation Ordinance No. 11 of 1925 is amended by Ordinance No. 12, ss. 1 and 2 of which more clearly define the purposes of the principal Ordinance. S. 3 is an amendment of s. 150 of the existing Ordinance necessitated by the passing by the Union Parliament of the Licences Consolidation Act, 1925. This Ordinance also confers the right to vote on certain occupiers of land and additional powers on Village Management Boards.

5. TRANSVAAL.

[*Contributed by* G. HARTOG, ESQ., *and* V. ROSENSTEIN, ESQ.]

Thirteen Ordinances were passed, of which 4 were Appropriation Ordinances.

Whippet Racing.—No. 3 provides that it shall be unlawful for any person to hold any dog-race unless in possession of a licence. Such licence shall specify the number of meetings which the holder may conduct and also the locality of such meetings. The licence fees are 1 per cent. on totalizator profits, with a minimum of £5 and a maximum of £50. No person under sixteen years of age shall be permitted to attend any meeting. Police officers of and above the rank of sergeant shall be allowed to enter any whippet-course.

Poll-tax.—No. 4 is an amendment to the principal Ordinance (7 of 1921) which provides that the revenue officer may, in his discretion, on application permit tax-payers to pay poll-tax in instalments, or he may extend the time of payment of such tax. Failure to comply with any conditions laid down involves the cancellation of the facility granted and the subjection of the tax-payer to all penalties as if no facility had been granted.

Control of Charitable Institutions.—By No. 5 a charitable institution is defined as any organization which obtains contributions from sources other than the Government of the Union or the Provincial Administration and which applies such in the distribution of alms, etc. No such charitable institution shall be conducted unless in possession of a certificate, the issue and cancellation of which lie in the discretion of the Administrator. The Administrator may exempt churches and religious bodies from the provisions of this Ordinance. The Administrator may make regulations for the keeping of various records by such charitable institutions and for their inspection.

Vermin Destruction.—No. 6 amends the principal Ordinance (19 of 1925) by providing for vermin clubs being allowed to hunt on land the property of a local authority (with its permission), but such local authority is exempt from paying the fees in respect of the vermin killed (s. 2).

The proviso (s. 6) is deleted, the position now being that a landowner is liable to the vermin club which hunts on his land even though he himself renders assistance. A new subs. (5) is added to s. 10 providing for a refund of the animal tax which any member of a vermin club may have paid in respect of one dog, provided such dog is duly registered during the year.

Private Hospitals.—No. 7 amends the principal Ordinance 6 of 1919. A new definition of hospital is given as an institution in which six or more beds are provided for persons requiring medical attention or skilled nursing. Certain hospitals are excluded, as also any hospital maintained wholly from provincial or other public funds.

S. 5, dealing with nurses' hours, is amended by the following provisions: (1) The manager of a hospital maintained partly from provincial funds may, with the Administrator's permission, (*a*) permit a nurse to accumulate the weekly day's (or night's) leave up to four days (or nights); (*b*) reduce the daily off duty hours from three to two consecutive hours. (2) A nurse shall be entitled to an annual leave of twenty-one days on full pay.

Pounds.—No. 10 amends s. 27 of the principal Ordinance (7 of 1913) by including Justices of the Peace or Commissioners of Oaths among the persons to whom an appeal can be made for the appointment of valuators to assess the damage done by the stock impounded. A new subsection is added providing that the owner of land may recover certain (prescribed) trespassing fees from the owner of the stock impounded. S. 34 is amended by providing that herding and tending fees for donkeys shall not be payable for more than 14 days (reduced in this case from 42 days).

In the case of the sale of impounded donkeys it shall be sufficient for the poundmaster to publish one notice in a newspaper within 2 days of impoundment, the sale to be held within 12 days of such notice (s. 37).

Local Government.—No. 11 is a consolidating and amending Ordinance, repealing all the Local Government Ordinances. By this Ordinance the Local Government Ordinance 9 of 1912 and the amending Ordinances repealed are consolidated and re-enacted.

General Dealers. — Ordinance No. 12 repeals the General Dealers (Control) Ordinance 11 of 1925 as a consequence of certain sections thereof having been declared *ultra vires* by the Courts. The Ordinance is re-enacted with the following major amendments.

(*a*) The definition of General Dealer is altered to include bakers, butchers, eating-house keepers, fresh produce dealers, laundrymen, dry cleaners, millers, motor-garage keepers, pawnbrokers, restaurant keepers, refreshment and tea-room keepers, auctioneers.

(*b*) An application for a certificate shall state the name of the person who will be in actual control of the business, besides giving the other required information.

(*c*) Rural licensing boards shall not contain as members any general dealers.

(*d*) The grounds on which a certificate may be refused are widened to allow of objection to the person who will be in actual control of the business.

(*e*) No town or village councillor shall vote in respect of an application for a certificate for a business if he is an applicant for or holds a certificate in respect of such business. If thereby a quorum of councillors cannot be obtained, the remaining members, being not less than three, shall form a quorum. If three members cannot be obtained, the Administrator may appoint persons to make up this number.

(*f*) If a certificate has been refused solely on the ground of the unsuitability of the premises, application may be renewed before the six months' interval laid down with respect to refusals on other grounds.

Municipal Main Roads.—No. 13 provides for the construction and maintenance of main roads in municipal areas.

If the Administrator considers that any Council has failed to construct or maintain any portion of a main road, he may constitute a board to make recommendations as to the steps to be taken. On such recommendation, the Administrator may give notice to the Council requiring it to construct or repair such a portion of the road, failing which within a specified time he may cause the said work to be done and may recover the cost thereof as though it were a loan secured on the property and revenues of the Council.

(Main Road is defined as a road passing through the municipality,

which is a continuation of and connects up with a main road outside the municipal area.)

6. NORTHERN RHODESIA.

[It is hoped to publish this Summary in the next *Review*.]

7. SOUTHERN RHODESIA.

[*Contributed by* A. E. SPEIGHT, ESQ., B.A., LL.B., *Legal Adviser*.]

Labour Fees.—Act No. 1 repeals the Ordinance of 1906 which provided for a tax (payable by the employer) on all natives employed in mines.

Income-tax.—Act No. 2 fixes the rate for the year as in the preceding year—except that in respect of life insurance companies the tax is 1*s.* 6*d.* in the £; also minor amendments relating to exemptions.

Deportation.—Act No. 5 adds certain offences to the list of those justifying the deportation of the offender.

Extradition. — Though repealing the Extradition Act of 1925, Act No. 6 re-enacts its provisions and also provides for the return of fugitive offenders from this Colony to the Mandated Territory of South-West Africa.

Fencing.—Under the previous laws, fencing of farms was compulsory only in areas defined after application had been made to that end by the owner in this area. Act No. 7 allows any landowner to call upon the adjoining owner to join in the cost of fencing and provides for arbitration in the event of disagreement.

Municipalities. — The period between the ordinary valuation of property for rating purposes is altered to ten years by Act No. 8, but a safeguard is provided and a Town Council may cause interim valuations to be held at any time, of any portions of the municipality.

Employment of Native Juveniles.—Act No. 10 regulates the employment of native juveniles—that is to say, those under the apparent age of fourteen years. The employment of native juveniles is legalized but only under the watchful eye of the Native Commissioners. Until this Act the position was very unsatisfactory. Juveniles offered themselves for employment and were engaged, frequently without the knowledge or consent of their parents. The common law not recognizing the validity of such contracts, these juveniles did not fall within the provisions of the Masters and Servants Acts and could with impunity desert at any time, and were thus uncontrolled.

Juveniles may not seek employment without the written permission of the Native Commissioners, who have wide powers of control over any contracts and over the juveniles themselves; they may enter premises and inquire into the conditions of any contract and may cancel any contract which, for any good reason, is considered undesirable, and may, on the application of the parent or guardian, order the juvenile to return to such parent or guardian.

If an employer has any cause of complaint against a juvenile the Native Commissioner may inquire into it and may order payment of a fine or, in the case of a male, a whipping with a light cane not to exceed ten strokes. If the latter, a report of the case is sent to the Attorney-General. (It may be mentioned here that a whipping up to fifteen cuts

has always been an alternative punishment if any male person under the age of sixteen years is convicted of any offence, the object being to prevent his imprisonment and association with older offenders.)

Employers may not engage any juvenile who is not in possession of the requisite certificate, and on engagement must report all details of the contract to the Native Commissioner. The rights of the parent or guardian as to the disposal of the services of his child or ward are preserved. Should a male juvenile refuse to obey a lawful order of the Native Commissioner under this Act, he may be summarily punished with a whipping as before described.

A juvenile who is found wandering about without a parent or guardian to take charge of him may be put by the Native Commissioner into service with some fit and proper person for a period not exceeding six months. Such cases are reported to the Chief Native Commissioner.

Animal Diseases.—Act No. 11 amends the Animal Diseases Ordinances by investing certain powers in the Governor in Council instead of the Controller of Stock.

Non-payment of Taxes.—The object of Act No. 12 is to provide an alternative to the ordinary punishment for non-payment of tax by natives. Fines were rarely paid and the offenders served a term of imprisonment instead.

A Court may now approve of a contract of service entered into by the offender and of deduction from his wages to pay the tax due and any penalty fixed by the Court, and postpone sentence for a fixed period. If within the period fixed, or any extension allowed by the Court, the conditions have not been complied with, the offender may be brought before the Court and sentence passed in the ordinary way.

Customs and Excise.—Act No. 15 consolidates the laws relating to the management of Customs and Excise. A few amendments have been incorporated. Hours may be fixed during which goods may not be imported into the Colony otherwise than by rail. Regulations may be made relating to the conveyance of goods in transit. The standard recommended by the London Customs Conference, 1921, for the determination of the value of goods and since adopted by the Union of South Africa and other Colonies has been adopted in this Act. Customs Officers are given power to board or stop trains and search them.

Act No. 20 may be described as a companion to Act No. 15 and consolidates the law relating to Customs and Excise Duties. There are a few minor amendments allowing additional rebates on certain goods.

Cattle Dip Control.—Act No. 16 in no way restricts the import or sale of cattle dip but requires books to be kept by vendors and importers of all dealings in relation thereto. These books are to be open for examination by any Cattle Inspector. Returns prepared from these books may be required.

Night Shooting.—Act No. 17 prohibits night shooting at game by all persons except owners or occupiers of land on their land, the object being to prevent the use of night shooting lamps, a practice considered dangerous to persons and stock and objectionable in that it is liable to cause undue suffering to animals.

Tobacco.—Act No. 18 gives effect to the agreement with the Union of South Africa that there shall be no traffic in Scrap Tobacco between the two countries.

Criminal Procedure and Evidence.—Act No. 19 is a comprehensive

statute of over three hundred sections consolidating the law and containing certain amendments and additions. It is modelled on Act No. 31 of 1917 of the Union of South Africa, as amended. It will be impossible, in a résumé such as this, to describe an Act of such length; but the new provisions include the following:

Powers of search on the commission of a crime, and when the commission of a crime is contemplated, have been extended. The law relating to previous convictions has been altered to ensure that a magistrate shall have no knowledge of these convictions when trying the accused person until after his verdict has been given. It is now possible for a magistrate to convert a preparatory examination into a summary trial when it is apparent during the case that jurisdiction given in summary trials will suffice. This saves both time and expense for both accused and the Government. The evidence of a wife or husband against the other is made admissible in cases of bigamy, abduction and certain other offences. Sentence of death need no longer be passed on the conviction of a woman for the murder of her new-born child. Provision is made for the declaration of offenders as "habitual criminals" under circumstances set out. The accused may be ordered to pay compensation if convicted of an offence causing damage or loss to another.

In the Criminal Procedure Act, No. 19 of this year, the declaration of criminals as "habitual criminals" is provided for. Act No. 9 authorizes places of detention for such persons to be defined, and the appointment of a Board for the consideration of reports which are to be made to it on the history and conduct of such criminals; also for release under conditions to be imposed by the Governor.

Town Management.—Before Act No. 21 the law provided for three forms of local government of urban areas, that is to say, municipalities, towns managed by sanitary boards and villages.

This Act deals with townships not yet large enough to assume the responsibilities of municipalities. It repeals the Town Management Ordinance, 1894, under which sanitary boards were appointed with limited functions. It provides for town management boards with greater powers. The increased powers include undertakings for the provision of water and electricity and the raising of loans for those and other undertakings.

Noxious Weeds.—Act No. 22 makes provision for the eradication of noxious weeds. Certain plants are declared to be noxious and the laws may be added to by the Governor in Council. Inspectors, that is, certain Government officers and police and persons specially appointed, may enter upon land and may call upon the owners to clear away any noxious weeds found there. Regulations may be made for the better carrying out of the Act including the prohibition of the introduction of noxious weeds.

Defence.—Act No. 23 provides for an entirely new scheme of defence for the Colony. It is divided into eight chapters as follows:

C. 1 deals with the liability to personal service and training in time of peace and war.

Every citizen between the ages of eighteen and sixty years is liable to render service in defence of the Colony in time of war. Until this Act there was no such liability, and the defence of the Colony depended entirely on voluntary effort. In peace time, every citizen between the ages of twenty and twenty-four years is liable to undergo military training; this training may be undergone by youths of eighteen and

nineteen years of age if they so desire. As it will be impracticable to instruct everyone liable to peace training it is provided that only a prescribed number in prescribed areas shall be called up each year. Those prescribed areas will probably be the larger townships. In order that those who are liable to peace training and who are not called up shall receive some form of military training, it is provided that those resident within a ten-mile radius of a Defence Force Rifle Range shall undergo a course of musketry in each year, during the period they are liable for such training.

The Act provides for the co-operation of employers who are liable to heavy penalties in the event of obstruction or intimidation.

Cadets have been provided for in this Act. A cadet system had been in practice but not controlled by legislation.

Service will include the whole period a cadet is at school and will be compulsory unless the parent or guardian objects in writing.

C. 2 deals with the organization of the Defence Force, which comprises: (*a*) a Permanent Force; (*b*) a Territorial Force; (*c*) any special reserve established under this Act.

The Permanent Force consists of those engaged for continuous service in the organization and training of the Defence Forces, the British South Africa Police, and any other regiment or corps which may be organized in the future.

The Territorial Force comprises: (*a*) the Territorial Active Force, (*b*) the Territorial Force Reserve, and (*c*) the General Reserve.

The Active Force consists of those trained to special duties who may be appointed thereto; of citizens between twenty and twenty-four years of age who are called up for training; and of such other citizens who are permitted to enlist or to extend their services after their twenty-fourth year of age. The strength of the Active Force will be prescribed from time to time and members will be paid for their services when engaged in continuous training, *i.e.* camps of instruction. The Active Force will be organized by units of the various combatant arms and departmental services.

The Territorial Force Reserve is the Reserve to the Active Force. It consists of citizens not past forty-five years of age who have undergone peace training; members of the Southern Rhodesia Volunteers embodied by this Act, and citizens between twenty-five and forty-five years of age who have had war service and who enlist in the Reserve. Members will be liable to present themselves once annually for inspection and to undergo a course of musketry.

The General Reserve consists of all citizens liable to service in time of war, who are not members of either the Permanent Force, the Territorial Active Force or their Reserves.

Special Reserves provide for a Reserve of Officers and a Field and Police Reserve for the British South Africa Police.

One of the objections brought forward to the B.S.A. police forming the Permanent Force is that the numbers available to take the field are too small. The Field Reserve does away with this objection.

A further argument advanced is that it is dangerous to remove police from their Districts in time of emergency. The Police Reserve does away with this objection.

Both Field and Police Reserves will consist of ex-members of the B.S.A. Police.

C. 3 deals entirely with administration and the powers of the Governor are set forth. An innovation in the shape of a Council of Defence is introduced and its functions are set forth in the Second Schedule to the Act. The Administrative and Instructional Staffs are placed on a sound footing. At present they consist of members of the B.S.A. Police who are seconded from their regiment and placed on a Supernumerary list. Rank is not substantive and the conditions generally are unsatisfactory.

C. 4 deals with Peace Training. In the first instance a registration of all citizens liable to peace training is made and from them volunteers are called for to make up the prescribed number required to undergo training for that particular year. If these are not forthcoming in sufficient numbers, resort is made to the ballot. The Peace Training commences on October 1 in each year; this enables the recruit to receive his initial training in Drill Halls during the rainy season. The recruit's training amounts to 60 hours in his first year and 40 hours during any other training year. Provision is made for continuous training in the form of camps of instruction. Exemption Boards are provided so that citizens having legitimate objections thereto may not be compelled to undergo the course of peace training.

C. 5 deals with service in time of war. The Permanent Force is at all times liable to be employed on active service within or outside the borders of the Colony. The Territorial Active Force and Reserve may be called out in defence of the Colony and be employed either within or outside the limits of the Territory. The General Reserve may also be called out in defence of the Colony as required. The Permanent Force, the Territorial Active Force and the Territorial Force Reserve may all be called out to suppress internal disorder within the Celony.

C. 6 deals with special powers of the Governor in relation to defence. It provides for the construction and maintenance of defence works, the provision of arms, clothing, equipment, etc., the establishment of horse depots for breeding purposes and the acquisition of land for artillery and rifle ranges. It provides for the commandeering of supplies, transport, etc., in time of war and the billeting of troops, and the appropriation and acquisition of land for defence purposes. It enables the Governor to appoint areas for military manœuvres and training. The chapter further deals with the disclosure of information, censorship, misuse of His Majesty's uniform and the protection of the defence stores.

C. 7 deals with discipline, offences and legal procedure.

Certain parts of the Army Act are applied and provision is made for a military discipline code to deal with all classes of offences, the procedure to be adopted and so on.

Provision is made in c. 8 for the Governor to make regulations in respect of the establishment of corps and units of the Defence Forces and Cadets, the training and inspection of units, the seniority of officers, the tenure of office in any appointment, leave of absence, registration of citizens liable for peace training, exemption, conditions of service, the formation of Cadet Corps, the commandeering of goods and accommodation in time of war, issue and care of arms and ammunition, the grant of medals, decorations, etc., the establishment and conduct of regimental institutions, etc. Provision is made for members of the Defence Force who may be killed, injured, or die of disease whilst on active service or duty. The terms are to be found in the fifth Schedule to the Act. Members of the Permanent or Territorial Active Forces are exempted from

service on juries. Citizens who are elected to Parliament will be seconded from the Defence Forces whilst they continue to be members of Parliament. No member of the Permanent Force may be eligible for election to the Legislative Assembly. An innovation is the provision of an ambulance service which does not at present exist. It is provided that a member of the Territorial Force may volunteer to serve in any force that may be raised in the Colony to augment His Majesty's regular or other forces.

There are five schedules to the Act. The First Schedule deals with the Laws under which the Southern Rhodesia Volunteers were established. The Second Schedule deals with the constitution and functions of the Council of Defence. This will consist of four members appointed by the Governor and of the Minister of Defence who will be the President of the Council. The Council will be consulted and advised on all proposals involving the exercise by the Governor of the powers vested in him under certain provisions of the Act. The Governor may, in addition, cause the Council to be consulted and to advise upon other matters having relation to the general or special defence requirements of the Colony. The Third Schedule sets forth the Oath to be taken by members of the Permanent Forces. The Fourth Schedule states the sections of the Army Act which will be applicable to the Defence Forces of the Colony. The Fifth Schedule deals with Pensions in the cases of members of the Defence Force who are killed, injured or who die from disease whilst on duty or active service.

Roads Council.—Act No. 24 amends the Roads Council Ordinance of 1921 by extending the meaning of the term "owner," making it permissible for the Chairman to be other than a public officer, allowing the subdivision of areas into wards and the alteration of areas by reduction or transfer, and authorizing the separate valuation of land and buildings.

Railways.—The object of Act No. 25 is to put into effect in Southern Rhodesia the form of control of the railways serving Southern and Northern Rhodesia and the Bechuanaland Protectorate which was agreed upon by the delegates of those three countries. The proposals of those delegates, though not the full details of the Act, were assented to on behalf of the various railway companies concerned.

The Act provides for the appointment of a commission consisting of four members, one each being nominated by the Government of each of the three countries above mentioned, and the fourth, the Chairman, being appointed by the three Governments jointly with the approval of the Secretary of State. The Commission is given full power to control the rates chargeable by the railway companies so as to provide for the earning by the companies jointly of a standard revenue. The method of control and the procedure by which it is carried into effect is based generally on the provisions of the English Railways Act of 1921. The standard revenue has been fixed in such a way as to ensure that the earnings of the companies will so far as possible provide for (1) the payment of interest on the loan and other capital of the companies, (2) a fair rate of dividend on the share capital of the companies, and (3) a reserve sufficient to give financial stability to the companies.

This legislation, together with that of Northern Rhodesia and the Bechuanaland Protectorate, should result in an effective control resulting on the one hand in a fair return to the owners of these railways and on the other hand in the reduction of railway rates and charges to the lowest point consistent with efficiency and good service.

BRITISH EMPIRE.

VII. BRITISH INDIA.

[*Contributed by the* Hon. Sir Henry Moncrieff-Smith, C.I.E., I.C.S.]

In the year 1926 the volume of legislation enacted in British India was almost identical with that of the preceding year, but on the whole the measures placed on the Statute Book were of less importance than in the year 1925. The Governor-General had no occasion to promulgate an Ordinance under s. 72 of the Government of India Act or to exercise the special powers conferred on him by s. 67B of the same Act, to recommend or certify essential Bills which the Legislature had failed to pass, nor did any of the Governors have occasion to use the corresponding powers given to them by s. 72E of that Act.

1. ACTS OF THE INDIAN LEGISLATURE.

Acts passed—40.

Criminal Law.—Act No. 2 makes a few unimportant amendments in the Code of Criminal Procedure of 1898 for the purpose of removing defects which crept into the Code when it was amended by Act No. 18 of 1923. The Bill as introduced contained a clause restoring to the Courts the discretion to award imprisonment of either description in the case of proceedings under s. 109, a discretion which was removed by the Legislature in 1923. The Legislative Assembly rejected this clause of the Bill, but in a subsequent session the clause was reintroduced in a separate Bill which became law as Act No. 10 of 1926.

Act No. 36 amends s. 99A and other sections of the Code in order to apply the power of confiscation which existed in regard to documents containing seditious matter to publications also which tend to spread feelings of hatred or enmity between different classes of His Majesty's subjects. The object is to stem the rising tide of communal bitterness.

Civil Courts and Legal Practitioners.—No less than 12 Acts were passed in the course of the year dealing with these subjects. Several of these Acts were introduced for the purpose of giving effect to the recommendations of two committees appointed by the Government to deal respectively with the subject of the law's delays in India, which had frequently been unfavourably commented on by the Judicial Committee of the Privy Council, and the status and privileges of the various classes of legal practitioners in British India.

Act No. 1 removes doubts as to the powers of the Small Cause Courts in the execution of decrees.

Act No. 6 enables the High Courts to determine questions of fact where a lower Appellate Court has come to a finding upon a mis-reception of evidence or through an error in law.

Act No. 9 extends to the town of Karachi the provisions of the Presidency-towns Insolvency Act, 1909.

Act No. 12 is an attempt to codify the law as to contempt of Courts in British India, and to define the powers of the superior Courts in regard to such offences.

Act No. 39 introduces into the Provincial Insolvency Act certain provisions of the Presidency-towns Insolvency Act, 1909, and thereby extends to insolvency Courts outside those towns certain powers hitherto exercisable only within those towns.

Acts Nos. 14 and 18 enable the lower subordinate Courts to be invested with powers to deal with proceedings hitherto beyond their jurisdiction; the object being to relieve the superior Courts of some of their burden of work.

Act No. 34 is consequent upon the passing of Bombay Act No. 7 of 1926, which replaces the Court of the Judicial Commissioner of Sind by a Chief Court. The Act effects the necessary change in the designation of the Court wherever reference appears to it in an Act of the Central Legislature.

Acts Nos. 15, 21, 22 and 38 all deal with legal practitioners. The first enhances the powers of Courts for dealing with "touts." The second establishes the right of a legal practitioner to sue for fees, and his liability to be sued in respect of loss due to his negligence. Act No. 22 removes certain distinctions in the privileges of advocates and other legal practitioners. Act No. 38 provides for the establishment of a Bar Council in every High Court. The Council is to consist of fifteen members, including the Advocate-General, four persons nominated by the High Court and ten elected by the advocates of the High Court. The Act defines the powers of the Bar Council in regard to the admission of persons to the roll of advocates, and to inquire into certain cases of unprofessional conduct. It also defines the powers of advocates to practice in High Courts other than that in which they are enrolled.

Naturalization. — Act No. 7 consolidates and amends the law of naturalization in British India. It follows the general lines of the British Nationality and Status of Aliens Act, 1914, with certain specific provisions to suit the special conditions existing in India. The difficulty of adopting the English Statute as the sole law of naturalization in British India was that it provides that one of the conditions precedent to the grant of a certificate shall be an adequate knowledge of English or of some language recognized as on an equality with the English language. There is in India no single vernacular which could fulfil that requirement.

Divorce.—Act No. 25 is a small but important measure, amending the Indian Divorce Act No. 4 of 1869, and declaring the powers of the Courts in India in the matter of granting decrees for dissolution of marriage in cases where the parties professed the Christian religion. The Courts had assumed for many years that they had jurisdiction to grant such decrees even when the parties were not domiciled in India. The contrary proposition was laid down by the President in the Divorce Division of the High Court of Judicature in the case of *Keyes* v. *Keyes and Gray*. The consequences were serious, for divorces granted by the Indian Courts to persons residing in India but having no domicile there would not be recognized as valid when the parties returned to England, and subsequent marriages would also be invalidated. The object of Act No. 25 is to lay down definitely that a High Court in India has no jurisdiction to

grant a decree for dissolution of marriage unless the parties have an Indian domicile. It was recognized at the same time that this state of the law might lead to great hardships, since, for instance, a woman of Indian domicile would be precluded from obtaining a decree in India for the dissolution of her marriage with a British husband having no domicile in India. In the same year, therefore, the Indian and Colonial Divorce Jurisdiction Act, 1926, was passed by His Majesty's Parliament, which, *inter alia*, confers on the High Courts in India jurisdiction in certain cases with respect to the dissolution of marriages, the parties whereto are domiciled in England or Scotland, and at the same time validates certain decrees granted under the Indian Divorce Act (No. 4 of 1869).

Transfer of Property.—The Transfer of Property Act, 1882, requires an instrument of mortgage or gift to be attested by at least two witnesses. There has been for many years serious conflict among the High Courts in India as to the meaning of the word "attest." The Judicial Committee of the Privy Council finally laid down in 1912, overruling a judgment of the Allahabad High Court, in the case of *Shamu Pattar* v. *Abdul Khan*, that an attesting witness must have seen the executant sign the instrument. As s. 68 of the Indian Evidence Act 1 of 1872 requires attestation to be proved by the calling of at least one attesting witness, the door was laid open for perjury and fraud. Moreover, s. 50 of the Indian Succession Act, No. 10 of 1865, since re-enacted as s. 63 of the Indian Succession Act 39 of 1925, laid down a different rule in that it permitted a witness to attest a will on receiving from the executant a personal acknowledgment of his signature. Act No. 27 follows this rule, and inserts in the Transfer of Property Act, 1882, a definition of "attest" on the lines of s. 3 of Act No. 39 of 1925. This enactment is supplemented by an amendment of the Indian Evidence Act, which is next referred to.

Evidence.—As stated above, s. 68 of the Indian Evidence Act 1 of 1872 prevented a document required by law to be attested from being used as evidence unless at least one attesting witness (if any survived) was called to prove execution. Act No. 31 adds a proviso to that section, laying down that an attesting witness need not be called (except in the case of a will) unless execution of the document was specifically denied.

Succession.—Under certain sections of the Indian Succession Act, No. 39 of 1925, wills made by Hindus, Jains, Sikhs or Buddhists have to be reduced to writing, signed and attested; but these provisions had force only in some of the provinces and Presidency-towns. Act No. 37 amends s. 57 of Act No. 39 of 1925 so as to apply its provisions to the whole of British India.

The Indian Succession Act No. 39 of 1925 is further amended by Act No. 40, which makes special provision mainly on the lines of the English law for cases where an intestate has left a widow but no lineal descendants.

Factories.—Act No. 26 makes in the law relating to factories numerous minor amendments the necessity for which had been demonstrated by further experience of the working of the Indian Factories Act No. 12 of 1911, since it was last generally overhauled by Act No. 2 of 1922.

Workmen's Compensation.—Act No. 29 was passed to give effect to the provisions in respect of anthrax of the Draft Convention concerning workmen's compensation for occupational diseases, which was adopted by the seventh session of the International Labour Conference held at Geneva in 1925.

Protection of Industries. — Act No. 8 amends the Steel Industry (Protection) Act, No. 14 of 1924, for the purpose of increasing the total amount payable by way of bounties under that Act in respect of wagons and underframes for railway carriages.[1]

Trade Unions.—Act No. 16 is the first enactment to provide for the registration of trade unions, and in certain respects to define the law relating to trade unions. The Act sets out at some length the objects upon which the funds of a registered trade union may be expended. It also provides for the constitution of a separate fund for political purposes, to which members are at liberty to refuse to subscribe without losing any of the benefits of the union. The objects upon which the political fund may be spent are the payment of election expenses, the holding of political meetings and the distribution of political literature, whether in connexion with the election or not, the registration of electors, and the maintenance of any member of a legislative body in British India. Every trade union is required under penalty to file annually with the Registrar an audited statement of its receipts and expenditure, and of its liabilities and assets.[2]

Income-tax.—In accordance with a resolution of the Imperial Economic Conference, 1923, Act No. 3 lays down that the taxation law of British India shall apply to trading and business concerns carried on by any other Government of the Empire. The Act follows, with necessary modifications, the wording of s. 25 of the British Finance Act, 1925.

Act No. 24 amends the Indian Income-tax Act, No. 11 of 1922, for two purposes. The first is to render more effective the provisions of the Act dealing with the recovery of super-tax from non-resident shareholders of a company. Secondly, the amending Act provides that, in circumstances where a case has been stated by an Income-tax Commissioner for a decision on a point of law by the High Court under s. 66 of the principal Act, an appeal shall lie to His Majesty in Council.

Finance.—So far as general taxation is concerned the Indian Finance Act (No. 19) makes no change, but it contains two provisions which are worthy of notice. In November 1925 the Governor-General had made an Ordinance suspending the levy and collection of the duty, ordinarily referred to as the Cotton Excise, imposed by s. 6 of the Cotton Duties Act, No. 2 of 1896. The Finance Act repeals the Cotton Duties Act, and so abolishes the Cotton Excise altogether; but it was deemed desirable that the returns of statistics of cotton goods and yarn produced in the mills in British India, which were required by Act No. 2 of 1896, should still be maintained; and so the Cotton Industry (Statistics) Act, No. 20, was passed by way of supplement to the Finance Bill to enable this to be done.

The Acts of the Indian Legislature not specially mentioned in the above summary were to a large extent minor amending enactments, and were generally of no great importance.

2. MADRAS.

Acts passed—7.

Universities. — The Andhra University Act (No. 2) incorporates a university in and for the Telugu districts of the Madras Presidency.

[1] It was repealed as being spent by Act No. 12 of 1927.
[2] This Act did not come into force till June 1, 1927.

The Statement of Objects and Reasons explained that not only was there a demand for a separate university for this area, but the Madras University had become incapable of fulfilling the requirements of the whole of Southern India. The Act follows generally the lines of previous enactments creating unitary teaching universities in British India, the model for which was the Dacca University Act, No. 18 of 1920.

Nurses and Midwives.—Act No. 3 constitutes a Council to regulate the registration of qualified nurses and midwives, and lays down the disabilities of unregistered persons. The Act follows closely Burma Act No. 10 of 1922 on the same subject, which itself was modelled on the Nurses Registration Act, 1919, in England.

Borstal Schools.—Act No. 5 supplements the Madras Children Act, of 1920, by providing for the establishment of Borstal Schools for the detention and training of offenders between the ages of sixteen and twenty-one. It enables Courts to be empowered to pass an order for detention for a period of from three to five years in lieu of passing a sentence of imprisonment; and also provides power to transfer from prison to a Borstal School adolescent offenders convicted either before or after the Act came into force.

The remaining four Acts were small measures of merely local importance.

3. BOMBAY.

Acts passed—12.

Stamps.—Act No. 2 amends the Indian Stamp Act, 1899, which is the general law relating to stamp duties in British India, in its application to Bombay, so as to enhance the duties payable on transfers of immoveable property in the city of Bombay. The amendment was admittedly introduced by the Government for the purpose of increasing their general revenues.

Court Fees.—Similarly Act No. 3 makes numerous enhancements in regard to Bombay of the Court fees leviable generally under the Court Fees Act, 1870.

Civil Courts.—Act No. 7 substitutes a Chief Court for Sind for the Court of the Judicial Commissioner, and defines the powers of the Chief Court in respect of all civil proceedings. This Act is supplemented by Act No. 34 of the Central Legislature referred to above.

Prostitution.—Act No. 9 amends Bombay Act No. 11 of 1923, so as to enhance some of the penalties awardable under the Act in the case of offences connected with prostitution, and to increase the powers of the Magistracy and Police in dealing with offenders.

Hindu Ceremonial Emoluments.—Nowhere in British India, except in the Bombay Presidency, could a Brahmin priest obtain a decree for his customary emoluments even though his services in connexion with the religious ceremony concerned had not been requisitioned by a Hindu. The non-Brahman Hindus resented being forced by the Courts to pay for services which they neither desired nor utilized, and accordingly Act No. 11 was passed for the purpose of removing this anomaly.

Cruelty to Animals.—The City of Bombay Police Act, No. 4 of 1902, gave the Police no power to destroy animals so diseased or so injured that it would be a cruelty to let them live. Act No. 12, by amending the Act of 1902, to some extent removes this defect. It is worthy of

mention that the Bill as introduced by the Government gave the Police power to destroy any such animal on obtaining a certificate from a veterinary practitioner. The Bill as passed excluded bulls and cows entirely from its operation and gave the owner the option to remove an injured animal to a hospital or cattle refuge, if such removal could be effected "without causing it great suffering."

The other Bombay Acts of 1926 made unimportant amendments of the existing law.

4. BENGAL.

Acts passed—7.

Criminal Law.—The Presidency Area (Emergency) Security Act (No. 3) is entitled an Act for safeguarding life and property in the Presidency area in times of emergency. It supplements the ordinary criminal law by enabling the Local Government to declare a state of emergency when satisfied that the public tranquillity and security of life and property in Calcutta are endangered. Thereupon for a period of three months the Commissioner of Police or District Magistrate is enabled to require a turbulent or dangerous character to remove himself from Calcutta. The Act provides a penalty for non-compliance with the direction, and furnishes safeguards in that the person concerned is given an opportunity to show cause against the order, and a right of appeal to the Government.

Howrah Bridge.—The Howrah Bridge Act (No. 4) enables Commissioners consisting of the Board of Trustees for the Improvement of Calcutta to take steps for the building of a new bridge across the Hooghly. The Commissioners are given power to raise a loan, while the Local Government is enabled to levy a large number of rates and cesses.

The other Acts passed were unimportant.

5. UNITED PROVINCES.

Acts passed—9.

Primary Education.—Act No. 1 provides for the extension of primary education in rural areas under District Boards. It follows generally the lines of the United Provinces Primary Education Act No. 7 of 1919, which had the same object in respect of municipal areas. It enables the Government, either on the application of a District Board or on its own motion after inquiry, to bring a system of free and compulsory primary education for male children or female children or both into force in any area.

Agricultural Tenures.—The Agra Tenancy Act (No. 3) consolidates and amends the law relating to agricultural tenures in the province of Agra, hitherto contained in the Agra Tenancy Act, 1901. It is a very important measure of over 270 clauses codifying the system of land tenures prevailing in that part of British India, systems so complicated that it is impossible to summarize them. The Act was the subject of controversy in the Legislative Council throughout its passage.

The Oudh Rent (Amendment) Act (No. 4) is a shorter measure introducing into Oudh a few of the amendments of the law brought into force in Agra by Act No. 3.

Universities.—Act No. 8 incorporates a University at Agra, affiliating

thereto certain colleges hitherto associated with the Allahabad University, thereby enabling the latter to fulfil its proper functions as a unitary, teaching and residential University. It follows very closely the lines of other University Acts.

President's Salary.—Act No. 3 of 1925 fixed the salary of the President of the Provincial Legislative Council. Act No. 9 indirectly adds to his emoluments by providing him with a rent-free residence throughout the year, and free railway travelling within the province as well as, with the sanction of the Government, outside the province.

The other Acts passed were amending measures of minor importance.

6. PUNJAB.

Acts passed—15.

Court Fees.—Act No. 7 of 1922 amended the All India Court Fees Act of 1870, laying down a special scale of court fees for the Punjab. It transpired later that a series of arithmetical errors had crept into the Act of 1922, and Act No. 1 was passed to set these right.

The Act of 1922 was again amended by Punjab Act No. 6, which in certain cases reduces the Court fees enhanced by the Act of 1922 for the purpose of increasing the provincial revenues.

Primary Education.—Act No. 2 is a validating measure. It reveals the fact that though the Punjab Primary Education Act, 1919, had not been legally brought into force it had in fact been in operation for some time in certain areas.

District Boards.—Act No. 3 is a somewhat similar measure. A certain District Board had been operating since 1887 under the Punjab District Boards Act, 1883, though it had never been legally brought into existence under that Act. Act No. 3 validates its proceedings for the last forty years.

Aerial Ropeways.—Act No. 5 provides for the regulation of the construction and working of aerial ropeways. This form of transport was stated to be likely to become an object of private enterprise in the mountainous tracts of the Punjab, where the cost of railway construction is prohibitive. The Act is modelled on the United Provinces and Bengal Acts of 1922 and 1923, respectively, dealing with the same subject.

Prisoners.—Act No. 10 amplifies the power of the Local Government contained in s. 401 of the Code of Criminal Procedure, 1898, in regard to the release of prisoners by enabling the Local Government to release good-conduct prisoners by licence, on condition that they are placed under the supervision of a Government officer, or a secular institution, or a person or society professing the same religion as the prisoner. It was stated that the Punjab Government intended to establish two farms of its own where conditionally released prisoners might be employed on agricultural work.

Borstal Institutions.—The Borstal Act (No. 11) provides for the establishment of Borstal Institutions, and enables the higher-powered magistrates to order detention therein in lieu of sentences of transportation or imprisonment of convicts under the age of twenty-one. Detention is to be for not less than two nor more than three years, and the Act provides for release on licence, and, in the case of incorrigibles, for commitment to prison.

The other Acts were of little importance.

7. BURMA.

Acts passed—6.

Deportation of Offenders.—The Expulsion of Offenders Act (No. 1) provides that persons who are non-Burmans, and who have been convicted of certain scheduled offences, may be expelled from Burma. Orders are passed by the Local Government after inquiry by a District Magistrate. An appeal is allowed to the High Court merely on the two questions of fact as to whether the person concerned is a non-Burman and an offender within the meaning of the Act. This piece of legislation naturally met with much opposition from the Indian community in the Legislative Council and in Burma generally.

Adoption.—Act No. 2 requires certain recognized adoptions to be evidenced by written, attested and registered documents.

The other Acts passed were minor amending measures.

8. BIHAR AND ORISSA.

Acts passed—3.

Highways.—Act No. 3, like Bengal Act No. 3 of 1925, gives the Local Government statutory powers to provide for the safety and repair of roads under its direct control, similar to those vested in District Boards by the Local Self-government Act in regard to roads under their control.

The two other Acts passed were of minor importance.

9. CENTRAL PROVINCES.

Acts passed—*nil.*

10. ASSAM.

Acts passed—8.

President's Salary.—Act No. 1 doubles the salary of the President of the Legislative Council fixed by Act No. 2 of 1924.

Waterways.—Act No. 3 was designed to give powers for the eradication of the water-hyacinth, a pest which had only recently made its appearance in Assam, though well known elsewhere. The Act enables local authorities and village authorities to demand aid from the local inhabitants.

Local Option.—The Temperance Act (No. 4) provides for the taking of a toll of the adult males of an area to decide whether licences for the sale of liquor within the area shall be withdrawn altogether, or shall be reduced by one, or whether there shall be no change. It does not apply to liquor imported from outside British India.

Primary Education.—Act No. 5 follows very much the same lines as the United Provinces Act (No. 1) referred to above.

Rural Self-government.—Act No. 7 provides for the constitution of elected village authorities whose function it is to look after roads, bridges, drains, streets and wells, the prevention of diseases, in particular malaria, and vaccination. The Act also enables the Government to establish village benches and village courts, with restricted criminal and civil powers, respectively.

Local Self-government.—Act No. 8 makes numerous amendments in the Assam Local Self-government Act, No. 1 of 1915, with the purpose of extending, improving and modernizing its provisions.

The other Acts passed were unimportant amending measures.

11. COORG.

Acts passed—1.

Labour.—The Workman's Breach of Contract Act, 1859, as mentioned in last year's summary,[1] was repealed with effect from March 31, 1926. Since the province of Coorg is an isolated and thinly populated tract containing coffee, rubber and tea estates of a total area of 50,000 acres, it was thought that some of the provisions of the repealed Act should be re-enacted for Coorg. Accordingly the Coorg Labour Act (No. 1), the first measure to be enacted by the newly constituted Legislative Council, was passed. The definition of "Workman" narrows the Act to specified classes of agricultural labour.

12. REGULATIONS UNDER S. 71 OF THE GOVERNMENT OF INDIA ACT.

Regulations made—9.

Regulation No. 1 makes numerous amendments in the Laccadive Islands and Minicoy Regulation, 1912. These mainly affect the law of criminal and civil justice in force in the Islands, the most important change being the introduction of the Indian Penal Code, Act No. 45 of 1860.

Regulation No. 2 declares the law in force in the Pargana of Manpur. It applies, with modifications and restrictions, to a large number of enactments in force in British India.

Regulation No. 3 amends and consolidates the law relating to the tenure of land in the Andaman and Nicobar Islands.

Regulation No. 4 amends the North-West Frontier Province Law and Justice Regulation, No. 7 of 1901, so as to enable an additional Judicial Commissioner to be appointed; the principal Court as hitherto constituted consisted of only one judge.

Regulation No. 6 declares the Excise law in force in the Pargana of Manpur. It deals with both liquor and intoxicating drugs.

Regulation No. 9 repeals the Ajmer Courts Regulation No. 1 of 1877, and consolidates and amends the law relating to the administration of Criminal and Civil Justice in Ajmer-Merwara.

The other three Regulations were unimportant.

VIII. EASTERN COLONIES.

1. CEYLON.

[It is hoped to publish this Summary in the next *Review*.]

2. HONG KONG.

[*Contributed by* C. G. Alabaster, Esq., K.C., O.B.E.]

Ordinances passed—16.

No Ordinance of outstanding interest was passed in 1926.

Former Enemy Aliens.—Certain enactments imposing disabilities on subjects, citizens and companies of former enemy countries in connexion with immoveable property and in respect of the carrying on of

[1] *Journal of Comparative Legislation*, Third Series, vol. ix, pt. iii, p. 153.

banking business within the colony as well as in respect of service on board British ships registered in the colony were repealed by No. 4.

Treasury Bills.—Power was given by Nos. 5 and 6 to the Legislative Council to authorize by resolution the Governor to borrow by the issue of Treasury bills either locally or through the Crown agents in London.

Post Office.—The Post Office Ordinance, 1900, was repealed and replaced by an Ordinance (No. 7) with provisions based on 8 Ed. VII. c. 48.

Capital Conversion.—In the *Review of Legislation for* 1919[1] it was reported that the remarkable rise in the value of silver induced the directors of two insurance companies and a bank to obtain legislative sanction for the conversion of their silver capital into gold. By 1926 the exchange value of gold as compared with silver had readjusted itself and the bank in question obtained legislative sanction (No. 8) for the reconversion of its gold capital into silver.

Wireless.—The Wireless Telegraphy Ordinance, 1913, was repealed and replaced by an Ordinance (No. 11) providing for the regulation and control of wireless telegraphy within the colony and on board British ships registered locally.

3. FEDERATED MALAY STATES.

[It is hoped to publish this Summary in the next *Review*.]

4. STRAITS SETTLEMENTS.

[It is hoped to publish this Summary in the next *Review*.]

5. MAURITIUS.

[*Contributed by* H. W. Prichard, Esq., *Procureur-General*.]

Forty Ordinances were passed by the Council of Government and assented to by the Governor during the year 1926, of which the following, owing to their importance, deserve special mention:

Sugar Industry Loan.—No. 15 provides for the loan of Rs.5,000,000 to the sugar industry of the Colony and for a special export duty on the sugars of the 1927–8 crop in order to repay the loan in capital and interest.

Widows' and Orphans' Pension Fund.—No. 18 consolidates the laws dealing with the grant of pensions to widows and children of deceased public officers.

Cinematograph.—No. 19 transfers the control of films to a Central Committee composed of the Inspector-General of Police and two other members to be appointed annually by the Governor.

Opium.—No. 21 gives effect to the Dangerous Drugs Convention Protocol and Final Act signed at Geneva on February 19, 1925.

Stamps.—No. 22 consolidates all the stamp laws in force, with a few amendments.

Midwives.—No. 26 secures the proper training of midwives in the Colony and regulates their practice.

Railways.—No. 31 creates a Railway Board with executive powers and also authorizes the Railway Department to establish transport services by road and combined services by road and rail for the conveyance of passengers and goods.

[1] *Journal of Comparative Legislation*, Third Series, vol. iv, pt. iii, p. 141.

Guns.—No. 40 increases the control exercisable over the possession of firearms and ammunition.

6. STATE OF NORTH BORNEO.

[*Contributed by* C. F. C. Macaskie, Esq., *Legal Adviser.*]

Two Ordinances only were passed in 1926, relating to Procedure and Vehicles respectively. Both Ordinances merely consolidate the former law, and present no new features of any general interest. Under the former Ordinance the title of Judicial Commissioner is dropped, and the title of Chief Justice adopted in its stead, but there is no important change in the functions of the office. No rules of general interest were made in 1926 under any Ordinance.

7. SEYCHELLES.

[It is hoped to publish this Summary in the next *Review.*]

IX. WEST AFRICA.

1. GAMBIA.

[It is hoped to publish this Summary in the next *Review.*]

2. GOLD COAST.

[*Contributed by* R. W. H. Wilkinson, Esq., *Attorney-General.*]

During the year 1926 thirty-one Ordinances were passed by the Legislative Council; of which the following are those of more general interest:

Carriage of Goods by Sea.—Ordinance No. 2 contains similar provisions to those of the Carriage of Goods by Sea Act, 1924, of the Imperial Parliament; and it imports into the law of the Colony the revised Brussels Rules with respect to Bills of Lading, subject to certain minor modifications appropriate to the circumstances of the Gold Coast Colony.

Criminal Procedure.—No. 4 resettles the main provisions relating to search warrants, the new provisions being somewhat wider than those previously in force.

Diamond Mining Industry Protection.—No. 11 as amended by No. 29, together with the regulations made under them, is designed to provide statutory safeguards against illicit dealings in diamonds.

The provisions are, however, only such as have been deemed appropriate to local conditions, and are not characterized by the same stringency as marks the corresponding legislation of some other countries, where the local conditions are different.

The Ordinance provides for the licensing of dealers to purchase diamonds, and to export diamonds for sale; and holders of diamond mining concessions are required to take out such a licence. A person finding diamonds on his own land can only dispose of the same under licence from the District Commissioner; and the Ordinance also contains strict provisions with respect to the keeping of prescribed registers.

Under s. 9 the Governor has power to declare areas of land to be Diamond Areas, divided into an Area of Exploitation and an Area of

Restriction ; and regulations can be made regulating the movements of persons and the conveyance of articles within such areas.

It is hoped that the provisions of these Ordinances will effectively safeguard the interests of this industry, without bearing with undue hardness on the native inhabitants.

Registration of United Kingdom Designs.—No. 13 provides for the registration in the Colony of industrial designs registered in the United Kingdom.

Criminal Code.—No. 24 strengthens the law in dealing with the traffic in obscene publications, etc., and was passed in pursuance of the 1923 Geneva " Convention for the Suppression of the Circulation of and Traffic in Obscene Publications," to which Convention the Colony is adhering.

Dangerous Drugs.—No. 26 is a comprehensive enactment designed to carry out the requirements of the 1925 Geneva Drugs Convention, to which the Colony is adhering.

(i) ASHANTI.

During the year 1926 seven Ordinances were enacted with respect to Ashanti, certain of which were enacted for the purpose of applying to Ashanti certain Ordinances of the Gold Coast Colony.

Concessions.—The only Ordinance seeming to require special mention is No. 3, the Ashanti Concessions Amendment Ordinance, which enables the Conservator of Forests in some degree to control the exercise by concession-holders of their rights with respect to timber and trees on concession areas.

(ii) THE NORTHERN TERRITORIES.

During the year 1926 seven Ordinances were enacted with respect to the Northern Territories of the Gold Coast ; but none of these is such as to require special mention.

(iii) THE BRITISH SPHERE OF TOGOLAND.

During the year 1926 two Ordinances were enacted with respect to the British Sphere of Togoland.

German Patents and Trade Marks.—No. 2 was enacted to give effect to certain provisions of Art. 311 of the Treaty of Versailles ; and it allows proprietors of German patents and German trade marks which were in force in the British Sphere immediately prior to January 10, 1920, to apply, within one year from the commencement of the Ordinance, for the registration of the same. On such registration being effected, the validity of the patent or trade mark is preserved for so long as it remains in force in Germany ; but, in the case of a trade mark, only so long as it remains in force in Germany without renewal.

3. NIGERIA.

[*Contributed by* DONALD KINGDON, ESQ., *Attorney-General.*]

Ordinances passed—23.

Common Carrier.—No. 1 gives effect to the draft Convention on Bills of Lading agreed to at the International Maritime Conference and Committees of the Conference in 1922 and 1923, and it follows *mutatis mutandis* the form of the Imperial Statute 14 & 15 Geo. V. c. 22.

Rent.—No. 2 repeals the Profiteering (Rent) Ordinance which was enacted as emergency legislation during the war.

Agriculture.—No. 4 repeals the law relating to Agriculture and substitutes other provisions giving wider powers in respect of the control of the preparation and export of agricultural produce.

Business Names.—No. 5 provides for the registration of firms and persons carrying on business under business names and aims at preventing the use of fictitious trading names by insolvent and irresponsible persons with the object of obtaining credit.

Commerce.—No. 8 repeals the law relating to trading with the enemy in order to conform with the provisions of the Treaty of Commerce and Navigation between the United Kingdom and Germany signed in London on December 2, 1924, to which Nigeria is to adhere.

Education.—No. 14 repeals the law relating to Education in so far as the provisions thereof relate to the Northern Provinces of Nigeria and re-enacts it in such form that it relates to the Northern Provinces only (including those portions of the British Cameroons included in the Northern Provinces).

No. 15 repeals the law relating to Education in so far as the provisions thereof relate to the Colony and the Southern Provinces of Nigeria and makes better provisions in regard to education therein.

Quarantine.—No. 18 repeals the law relating to quarantine and re-enacts it, giving clearer provisions in regard to the imposition of quarantine and other steps to combat dangerous infectious diseases.

Dues.—No. 20 repeals the law relating to Harbour Dues and substitutes similar provisions applying both to Lagos and Port Harcourt.

4. SIERRA LEONE.

[*Contributed by* I. J. Turbett, Esq., *Solicitor-General.*]

1925.

Owing to the revision of laws which was undertaken in 1925, very few legislative measures were presented to the Legislative Council, and only urgent matters of minor importance locally received attention. Seventeen Ordinances were enacted during the year. Of these Ordinances fourteen amended existing measures, two dealt with supply, and the remaining enactment was a personal pensions Ordinance. Not one of these Ordinances is of any particular interest outside the boundaries of Sierra Leone, but mention might possibly be made of the following measures:

Public Health.—Ordinance No. 6 empowers the Governor-in-Council to make rules with a view to the treatment of certain diseases such as plague, cholera, smallpox, yellow fever, etc. Power has also been taken to enact measures to prevent the spread of these diseases. Provision is also made for the setting up of a compensations board, and for the hearing of claims for compensation which may arise from the exercise of the somewhat stringent powers contemplated by these rules.

Protectorate Native Law.—Ordinance No. 8 abolishes the existing anomalous situation whereby Asiatics and natives of the American Continent were not amenable to the jurisdiction of combined Courts. It also serves to ensure that all terms of imprisonment exceeding fourteen days awarded by courts of native chiefs shall be served in Government prisons, and that such sentences shall be reviewed by the District Com-

missioner. The Ordinance also makes an end, by implication, under s. 49 (3) of the power still retained by these courts of sentencing persons to a term of imprisonment of any length, so long as that term was served in a chief's prison.

Protectorate Courts Jurisdiction.—No. 13 empowers the Governor-in-Council to make rules regulating fees and generally the practice and procedure in courts of native chiefs. Enables the courts of District Commissioners to secure the attendance in the courts of native chiefs of native defendants and witnesses, who are residing in the Colony. It also lays down the procedure in courts of District Commissioners where corporations are charged with criminal offences.

Weights and Measures.—Ordinance No. 17 regulates the importation of weighing machines and spring balances.

In addition to these Ordinances, seventy-seven minor and subordinate legislative measures were brought into operation during the year. None of these calls for any particular comment.

1926.

During the year under review forty-three Ordinances were passed by the Legislature; of these Ordinances thirty-three either amended or repealed existing measures, two related to Supply and eight dealt with subjects which had not hitherto been considered by the Legislature. The principal Ordinances dealing with new matters of legislation are as follows:

Electric Light and Power.—Ordinance No. 12 provides for the installation of electric light in the City of Freetown and its environs.

Freetown Temporary Municipal Board.—No. 43 abolishes the existing Municipal Council of Freetown and makes provision for the temporary administration of the affairs of the Corporation by a board nominated by the Government.

Children.—In this measure (No. 42) certain provisions of Imperial Acts (principally the Children Act, 1908) for the prevention of cruelty to children have been adopted in order that the Police might be armed with a weapon to cope with any cases that might occur of ill-treatment of native children in Freetown. The Ordinance is also confined in its operation to children under sixteen years. In ss. 6 and 7—which are reproductions of the provisions contained in the Offences against the Person Act, 1875—the age has been raised from twelve to thirteen years, and thirteen to fourteen years respectively. S. 10 protects children from the evils of procuration, and since the passing of this Ordinance a further measure has also received the sanction of the Legislature protecting young women up to the age of twenty-one from being the victims of procurers.

Palm Wine.—Ordinance No. 41 aims at controlling the sale of palm wine in small shops and by street vendors; its operation is confined to Freetown. The enactment was introduced at the request of the Police, who complained that the unfettered sale of this beverage led to rowdyism in private premises, and also obstructed traffic in the thoroughfares of the town. The Ordinance is mainly based on provisions in the Liquor Ordinance, 1924.

Dangerous Drugs.—Ordinance No. 10 repeals c. 139 and brings into force various provisions of the Imperial Act, 1925. It also embodies

the various measures decided upon in the International Opium Convention held at Geneva under the auspices of the League of Nations.

Freetown Improvement.—This measure (No. 8) has been enacted at the instance of the medical authorities in order that steps may be taken to put an end to overcrowding, and to secure greater access of light and air to domestic dwellings. The Ordinance insists on plans being submitted when new streets or building plots are laid out, and also provides *inter alia* that no buildings shall be erected which detract from the value of adjoining houses in the same street. A large number of building regulations are included in a Schedule to the Ordinance.

Domestic Slavery.—The Protectorate (Amendment) (No. 3) Ordinance (No. 17) aims at the termination of the status of domestic slavery which still persists in the Protectorate.

Appeals from Magistrates.—Ordinance No. 38 was passed in order to compel appellants to state the general grounds of appeal on which they relied. Hitherto appellants have had an option in this matter with the consequence that frivolous appeals have been too freely lodged, and the respondent has been left in the dark until the hearing of the Appeal.

In addition to the foregoing Ordinances, 83 minor and subordinate legislative measures were enacted during the year.

X. EAST AFRICA.

1. KENYA.

[*Contributed by* P. A. McElwaine, Esq., *Senior Crown Counsel.*]

On July 1, 1926, the Revised Edition of the Laws of Kenya came into operation. This edition sets out the Ordinances of the Colony as at December 31, 1923. The edition consists of three volumes, containing in all 189 Ordinances.

In 1926 thirty-four Ordinances were passed, the chief of which were:

Bankruptcy.—Ordinance No. 1 follows closely the English Act of 1914. The Indian Provincial Insolvency Act, 1907, has ceased to apply to any bankruptcy occurring after March 1, 1927, the date on which the Ordinance came into operation.

Crop Production and Livestock.—No. 3 empowers the Governor-in-Council to make rules with a view to improving agricultural produce and livestock. Destruction of diseased crops may be ordered. To prevent the deterioration of livestock the number of animals in any area may be restricted. The Ordinance may be applied in whole or part to the whole or any part of the Colony.

Arms and Ammunition.—No. 4 forbids the repair of firearms at any place not licensed for the purpose, provided that a person may repair arms belonging to himself with or without assistance.

Game.—No. 5 provides that the trophies of any scheduled animal killed in contravention of the Ordinance or in self-defence by an unlicensed person, or found, shall belong to Government. Scheduled animals killed in error or self-defence or by accident must be reported and the trophies handed over to Government.

Detention Camps.—No. 6 limits the period of detention to the period of imprisonment provided by the law under which the conviction was had.

Where an Ordinance provides for fine only or for fine and imprison-

ment in default the Court may order that in default of payment a sentence of detention be undergone in lieu of imprisonment.

Revised Edition of the Laws (Operation).—No. 7 consolidates into one Ordinance all amendments affecting the Revised Edition from January 1, 1924, to June 1926.

Game Birds Protection.—No. 8 forbids the hunting, killing, capture or possession of the birds mentioned in the Schedule without a licence. The Schedule may be altered by proclamation. It specifies the numbers of each species that may be killed on a licence. Eight varieties, including Ostrich and Kavirondo Crested Crane, can only be killed on a special licence, issued under the Game Ordinance. The ordinary licence costs 10*s*. Close seasons may be proclaimed. The sale and purchase of game birds and their capture by nets or snares and the taking of their eggs without the consent of the Game Warden is an offence.

Estate Duty (Consolidation).—No. 13 repeals c. 53 of the Revised Edition. Duty varies from 1 per cent. on estate of £200 and upwards to 25 per cent. on estates of £1,000,000. When duty is payable in the United Kingdom or a British possession by reason of death in respect of property situate there a sum equal to the amount of that duty shall be deducted from the estate duty payable in respect of that property on the same death.

When any property subject to duty under the Ordinance is situate in a foreign country, and by reason of the death any duty is payable in that foreign country in respect of that property the Estate Duty Commissioners shall make an allowance of the amount of that duty from the value of the property.

Costs in Criminal Cases.—No. 14 empowers Courts to give costs to the Crown and to private prosecutors in all criminal cases in which the accused are convicted. Costs may be awarded against a private prosecutor in case of acquittal. An appeal lies from an order awarding costs. Costs may be recoverable by distress. A person failing to pay costs may be summoned to show cause why he should not be imprisoned for one month.

Criminal Law.—No. 15 makes rape a capital offence.

Carriage of Goods by Sea.—No. 16 is closely modelled on the Carriage of Goods by Sea Act, 1924.

Customs Management.—Ordinance No. 25, in 264 sections, replaces an Ordinance passed in 1910. The Governor-in-Council may enter into an agreement with the Government of any territory in East Africa being part of His Majesty's Dominions or a British Protectorate or a British Mandated Territory, whereby produce of Kenya shall be admitted free of duty into that territory and the produce of that territory shall be admitted free of duty into Kenya.

Wines and Spirits Consumption Tax.—No. 26 imposes a special tax on wines, champagne and spirits released from Customs control for consumption in the Colony. This tax is additional to the import tax imposed under the Customs Tariff Ordinance. The tax is paid into General Revenue, but is in fact allocated to educational purposes.

Custody of Children.—No. 27 empowers the Court to refuse to issue a writ on the application of a parent for the production of a child which has been abandoned or deserted by the parent. When the child has been brought up by another person the Court may make it a condition of an order giving the child up to the parent that the parent pay the costs

properly incurred by that person in bringing up the child. When a parent is convicted of certain offences against his child the Court may, without any further proceedings, order that the child be taken out of the custody of the parent.

When it is shown to the satisfaction of the Court that a female child is with the knowledge of her parent exposed to the risk of seduction or that any child is persistently ill-treated or neglected by his parent or is persistently frequenting the company of a reputed thief or prostitute, the Court may order the parent to execute a bond to exercise due care in respect of such child or may commit the child to the care of any person named by the Court, who is willing to undertake such care.

Criminal Procedure.—No. 31 permits a magistrate who has issued a summons for an offence punishable only by fine or by fine or imprisonment not exceeding three months to dispense with the appearance of the accused provided he pleads guilty in writing or appears by an advocate.

There is no further power in Kenya to try a summons case *ex parte* such as is given by s. 2 of the Summary Jurisdiction Act, 1848.

European Education Tax.—No. 33 imposes a tax of 30*s.* per annum on all male Europeans of eighteen years of age and upwards. Temporary visitors who are not the owners or lessees of land in the Colony and who are not engaged in business in the Colony are exempt. The Governor may exempt any person or class of persons or the inhabitants of any area from the whole or any portion of the tax.

The tax is automatically doubled if it is not paid within the time allowed. A person making default who has the means to pay may be imprisoned for a period of six weeks, but such imprisonment shall not operate as a satisfaction of the debt.

Asiatic Education Tax.—No. 34 is similar to the above, except that the tax is 20*s.*

2. NYASALAND PROTECTORATE.

[It is hoped to publish this Summary in the next *Review*.]

3. TANGANYIKA TERRITORY.

[*Contributed by* F. A. Moseley, Esq., *Acting Solicitor-General*.]

Ordinances enacted—23.

Land.—Ordinance No. 3 provides machinery for dealing with persons in unlawful occupation of public land.

Ordinance No. 9 provides for the determination of rent upon renewal of a right of occupancy in the same manner as upon revision of rent, *i.e.* without auction.

Ordinance No. 14 provides that persons in lawful occupation of public land may, if they apply before December 31, 1927, be granted a right of occupancy of such land without auction in respect of which they will pay an economic rent.

This Ordinance was enacted to bring within the provisions of the Land Ordinance a large number of cases of what is known as "Kiwanja Tenure," a system established by German law under which in certain cases a tenant of Fiscal or Crown land paid by way of rent a sum equal to 50 per cent. of the Hut and Poll Tax.

Protection of Animals.—Ordinance No. 5 remedies the inadequacy

of the existing law by applying the suitable portions of the Imperial Statute.

Medical Practitioners and Dentists.—On account of the insufficient number of qualified practitioners in the Territory it was considered desirable so to amend the law as to enable restricted and revocable licences to be granted to suitable persons, *e.g.* missionary workers and persons engaged by employers of a large number of labourers to give medical attention to the latter (No. 7).

Master and Native Servants.—Ordinance No. 11 gives legal recognition to the previously existing practice of engaging native labour, not for a definite time, but for the performance of a certain number of days' work within a reasonable time.

Land Acquisition.—Ordinance No. 13 provides for acquisition of land for public purposes and the manner in which compensation is to be assessed and paid.

Native Authority.—Ordinance No. 18 repeals the Ordinance of 1923. It provides for the government of natives indirectly through their own chiefs and endeavours to preserve and strengthen the administrative machinery which has been created by the natives themselves, and the institutions which have grown out of their own traditions.

Customs Tariff.—Ordinance No. 22 authorizes the making of an agreement between the Government of Tanganyika Territory and that of any other East African territory under British rule for the avoidance of double import duty on goods passing between the two territories.

4. UGANDA.

[*Contributed by* S. S. Abrahams, Esq., *Attorney-General.*]

Sixteen Ordinances were enacted in 1926, several of them of considerable importance.

Bicycles.—Ordinance No. 2 enables the Governor to make rules for the registration and identification of bicycles, and for the better prevention of theft or other dishonest or fraudulent dealing with bicycles.

Public Officers (Change of Titles).—Ordinance No. 3 schedules the titles of certain public officers, which are to be deemed to replace in enactments titles by which these officers were previously designated, and which appear in these enactments. Provision is made for scheduling by a simple notification, for the same purpose any future changes of title.

Revised Edition of the Laws (Annual Supplements.)—Ordinance No. 5 authorizes and directs the Attorney-General to prepare each year a supplement to the Revised Edition of the Laws, 1923. In the preparation of this supplement the Attorney-General is vested *mutatis mutandis* with the powers of consolidation, revision, omission, etc., vested in the Commissioner for the purposes of the preparation of the aforesaid Revised Edition. Each annual supplement when approved by the Governor is to supersede the preceding supplement.

Post Office Savings Bank.—Ordinance No. 6 provides for the establishment and working of a Savings Bank in connexion with the Post Office.

Game.—Ordinance No. 7 contains very extensive provisions for the preservation of game. Schedules are annexed, protecting animals from capture or destruction, save by virtue of licence or special permit. Provision is made for the regulation of the possession, importation and

exportation of game trophies. Game reserves are established and certain methods of hunting and killing are prohibited.

Midwives.—Ordinance No. 8 provides for the registration of midwives and the regulation of the calling. It is based to a large extent upon the English Acts dealing with this subject. The practice for gain of midwifery other than by medical practitioners is restricted to midwives registered under the Ordinance, and midwives entitled to be registered are those holding the certificate of the Midwives' Board established under the Ordinance, or those qualified in a country in which the tests are held in Uganda to be satisfactory. The Midwives' Board is empowered to hold examinations, prescribe a course of training, issue certificates of qualifications and exercise supervision over practising midwives, and take disciplinary measures by way of caution, censure or deletion from the roll of midwives.

Cotton.—Ordinance No. 11 is intituled an Ordinance to secure and maintain the production of the highest quality of cotton, and in general to regulate and control the cotton industry. This industry is the staple industry of Uganda, and for the purpose of effecting the principles indicated in the title the Ordinance purports to supervise, and where necessary to regulate every branch of it from seed planting to the export of the ginned product. Buying and ginning may be carried on only under licence, and licences may be revoked, suspended or barred from renewal for contravention or non-compliance of prescribed conditions. Ginning licences may be refused if the number of ginneries in any particular area would by further issue be more than sufficient to meet the cotton-producing capacity of that area. A Cotton Board is constituted formed of official members and non-official members, the latter appointed by the Governor on the recommendation of certain public bodies representing the cotton industry. The Board advises the Government generally in matters connected with the welfare and betterment of the industry and in a judicial capacity decides applications for the approval of ginnery sites, and for the grant of Crown lands and the erection of ginneries, and hears appeals in connexion with the refusal, revocation or suspension of cotton-buying licences and ginning licences.

Customs.—The Customs Management Ordinance (No. 14) deals with the organization of the Customs department, and all questions relating to the import and export of dutiable goods, other than the actual imposition of tariffs. This Ordinance is, with the exception of certain minor details to fit local conditions, a replica of the Kenya Ordinance of the same year. No customs barriers exist between the two dependencies and one Commissioner of Customs manages and supervises the Customs of both.

Criminal Law.—The general criminal law of the country is supplemented by the Incendiarism (Prevention) Ordinance (No. 16) designed to suppress incendiarism, which crime is one of the most common and the most easily perpetrated in the country. Severe minimum punishments are prescribed for committing or attempting to commit arson of buildings, or, to employ the expression in the Indian Penal Code describing the corresponding offence, mischief by fire. Punishments are inflicted for threats or any expression of intention to burn buildings, and any person who in burning a building causes the death of any person whose life he knew or had reason to believe to be endangered by his act is punishable by death. Persons who, knowing of the commission or attempted com-

mission or instigation of offences against the Ordinance, fail to disclose their information to the authorities are also subject to punishment. In order to impress upon natives the gravity of incendiarism, and to make them realize their interest in the preservation of Government buildings, the Governor is empowered, whenever satisfied that a Government building has been destroyed or damaged by fire, to issue an order that any native in the area where the building was situated may be called upon by the local chief to assist in repairing or replacing the building.

5. ZANZIBAR PROTECTORATE.

[*Contributed by* C. B. Francis, Esq., *Attorney-General.*]

During the year 1926 twenty decrees were enacted, of which the following are the most important:

Constitution.—His Highness the Sultan, having informed the Secretary of State of his intention to grant the people of his Dominions an opportunity of taking part in the conduct of their affairs in accordance with modern constitutional practice, promulgated Decree No. 1 to give effect to this decision. Part I of the decree establishes an Executive Council, consisting of His Highness as President, the British Resident as Vice-President, and three ex-officio members, namely, the Chief Secretary, the Attorney-General, and the Treasurer. In addition to duties ordinarily discharged by similar bodies, the Council is invested with the exercise of the Sultan's prerogative of mercy in capital cases. Part II of the decree provides for the constitution of a Legislative Council presided over by the British Resident, and comprising the three ex-officio members already referred to, and such other official and unofficial members as the Sultan, on the advice of the British Resident, may appoint. The Sultan reserves to himself the right of veto, and in cases of necessity, the sole right of making laws or decrees for the peace and good order of his dominions. Further provisions deal with the appointment of provisional and extraordinary members, the precedence of members, and the regulations of the proceedings of the Council.

Reformatories.—No. 4 makes provision for the establishment of reformatories for youthful offenders and vagrants. In principle, the decree follows closely on the lines of similar legislation in Kenya.

Changes in Official Titles.—This Decree (No. 6) was enacted to give effect to changes in the titles of certain public officers, and has the distinction of being the first law "enacted by His Highness the Sultan of Zanzibar, by and with the advice and consent of the Legislative Council thereof."

Perpetual Succession to Land.—No. 9 provides facilities for dealings in and perpetual succession to land on the part of associations established for religious, charitable, recreative or other similar purposes.

Bank and Public Holidays.—No. 11 regularizes local custom relating to public and bank holidays. The decree provides for fourteen public holidays, and, in addition, four bank holidays observable only by the banks.

Savings Bank.—No. 12 regulates the establishment and management of a Government Savings Bank and provides for the transfer of the banking business, previously carried on by the Post Office, to the control of the Treasurer.

Leprosy.—No. 13 relates to the segregation and detention of persons

afflicted with leprosy. Under its provisions lepers may be detained, and after the prescribed medical examination removed to a declared asylum. Power is taken to make rules for the administration of asylums, and the proper regulation of other matters in connexion with the decree.

Customs.—No. 16 forms a comprehensive code dealing with the management and control of Customs, and is in common form with similar enactments lately adopted in the neighbouring territories of Kenya, Uganda and Tanganyika. No. 17 establishes and regulates the administration of the Customs Preventive Force.

6. ANGLO-EGYPTIAN SUDAN.

[*Contributed by* R. WEDD, ESQ., *Advocate-General.*]

A large proportion of the legislation during the early part of 1926 was in the nature of re-enactments of existing legislation in consolidated form with a view to the publication of a revised edition of the Laws of the Sudan as at June 1, 1926, for which provision is made in Ordinance No. 9.

Customs (Duty on Alcoholic Liquids).—No. 1 increases the duty on liquid perfumery and toilet preparations containing more than 2 per cent. of alcohol.

Cotton.—Ordinance No. 2, with the Cotton Regulations 1926 made thereunder, repeals and re-enacts in an amended and consolidated form existing legislation and regulations for improving and maintaining the quality of cotton and regulating its cultivation, ginning and marketing.

Foodstuffs and Necessaries.—No. 4 repeals and re-enacts in an amended form the Foodstuffs and Necessaries (Regulation of Prices) Ordinances 1914 and 1920, and the Declaration of Stocks Proclamation 1919.

Non-Mohammedan Marriage.—No. 5 repeals and re-enacts with amendments the Sudan Non-Mohammedan Marriage Ordinances 1906 to 1919.

The Governor-General's Council.—Ordinance No. 6 amends the Ordinances 1910–19 by addition of the Kaid El 'Amm (Commander-in-Chief of the Sudan Defence Force) as a permanent ex-officio member of the Council.

Contraband Goods.—No. 7 consolidates and amends existing legislation.

Customs.—No. 8 contains many amendments in detail of the existing legislation, and adds a new chapter of provisions for the establishment and regulation of bonded warehouses.

The Ordinance is followed by the publication of regulations concerning bonded warehouses under the control of the Customs and the Railways Departments respectively.

Revised Edition of Laws.—No. 9 authorizes the preparation and publication of a revised edition of Ordinances and Proclamations in force up to June 1, 1926, and an annual supplement thereto, and the appointment of a commissioner for this purpose.

The schedule contains a number of Ordinances to be omitted from the revised edition for various reasons such as obsolescence, contemplated amendment and separate publication.

The first commissioner is Mr. F. P. Osborne, formerly Judge of the High Court.

The Revision Ordinance (No. 10) prepares the way for the completer and more up-to-date revised edition contemplated by No. 9.

Traders Licence and Taxation of Business Profits. — No. 12 repeals the Auctioneers, Brokers and Pedlars Ordinances 1905–21, the Traders Tax Ordinances 1913 and 1919, and the Traders Licence Ordinance 1922, and re-enacts them in an amended and consolidated form.

Partnership Registration.—No. 13 provides for the registration of short particulars of partnerships carrying on business in the places to which the Ordinance applies.

Provision is made for the exemption of certain partnerships such as those registered under the Companies Ordinance 1925, partnerships having a capital of less than £E. 500 or entered into for one or more specific commercial operations or for ownership of land or animals by natives.

Limitation of liability of any partner if alleged or relied on must be registered and provision is made for the keeping of proper books of account.

Passports and Permits. — No. 14 confers certain powers of issuing and endorsing passports on the Sudan Agent in Cairo.

Posts and Telegraphs.—No. 15 contemplates control of appliances for receiving wireless communications and amends the Ordinance of 1910 in matters of detail.

XI. SOUTH ATLANTIC.

BRITISH GUIANA.

[*Contributed by the* Hon. Hector Josephs, K.C., *Attorney-General.*]

There were thirty public Ordinances and one private Ordinance passed during the year. The principal public Ordinances are:

Married Women (Torts).—Under the common law of the Colony (which is the same as in England) a husband is liable for his wife's torts, even though under the Married Persons' Property Ordinance, 1904 (the colonial adaptation of the English Married Women's Property Act, 1882), the husband and wife became separate persons as regards property. Ordinance No. 3 follows on the decision of the House of Lords in *Edwards* v. *Porter* [1925] A.C. 1, and exempts a husband from liability to be sued or made a party to any action or legal proceeding brought against a married woman for any tort committed by her before or after marriage.

Statute Law Revision. — The Revised Edition of the Laws of the Colony which was published in 1923 has proved to be so unsatisfactory that it has been found necessary to undertake another revision.

Ordinance No. 4 follows the form usual in such cases, and constitutes Sir Charles Major, Chief Justice, Commissioner for the revision, and in the event of his inability to carry on the work, confers on the Governor authority to appoint someone else. Generally the Ordinance gives the necessary authority and powers to the Commissioner for the revision and printing.

Registration of Business Names. — Ordinance No. 11 amends the Registration of Business Names Ordinance, 1919, by: (i) providing that every individual and firm required to be registered shall affix in some conspicuous part of the outside of the building or room in which the

business of the individual or firm is carried on a board or metal plate on which shall be legibly and clearly printed in letters not less than one inch long in addition to the business name, the Christian name and surname of the individual or (as the case may be) of each partner of the firm carrying on such business, and (ii) extending the provisions of sub.-s. (1) of s. 18 to business letters, etc., issued or sent to any person in any country or place.

Opium.—Ordinance No. 13 gives effect to the measures decided upon in the International Opium Convention signed at Geneva on February 19, 1925, and regulates the importation, exportation, storage and disposal of opium, morphine, diacetylmorphine, cocaine, coca-leaf, crude cocaine, ecgonine and similar drugs.

The District Lands Partition and Re-allotment.—Ordinance No. 16 repeals the District Lands Partition Ordinance, No. 14 of 1914, and the amending Ordinance No. 12 of 1920. It deals with conditions of land occupation, which are peculiar to the Colony. In many cases there are undivided lands occupied in common by the owners, and it is at times beneficial to provide for the partition and allotment of these lands. Such partition and allotment has to be done with due regard for provision for drainage. It also happens that blocks of land have been partitioned in the past and titles granted to the owners, but the occupation has not been in conformity with such division or titles. It frequently becomes necessary to make a subdivision, more in accordance with the mode of occupation, and to give the owners titles for their new lots. There are also cases where the original distribution of the land has not been properly done, having regard to the requirements of drainage, etc. All these cases are dealt with in the Ordinance.

Proceedings are commenced by a petition to the Governor in Council by owners of shares or of holdings which in the aggregate constitute not less than 51 per cent. in extent or in value of the area to which the petition relates. On this petition the Governor in Council may make an order that the land shall be subject to the provisions of the Ordinance, and he may appoint an officer to exercise the powers conferred by the Ordinance. The officer so appointed must convene a meeting of all persons claiming to be owners or mortgagees of any interest in the land, and receive their claims. Thereafter he is empowered to enter on the land, to provide for services of notices, to make partition, to arrange for compensation in respect of crops or buildings, and to grant titles to the new owners.

Public Loan.—Ordinance No. 21 authorizes the Governor or the Crown Agents to raise an approved loan from moneys belonging to sinking funds held by the Crown Agents on behalf of all or any of the Colonies and Protectorates as an alternative to the mode of raising loans provided by the General Loan and Inscribed Stock Ordinance, 1913.

Deceased United States Citizens Estates.—Ordinance No. 24 gives statutory force to Article III of the Convention signed at Washington between the United Kingdom and the United States of America, relative to the tenure and disposition of real and personal property of subjects and citizens of each of the respective countries situated, or being within, the territories of the other, and authorizes the representation of deceased persons by the Consuls of their respective nations in the settlement of estates. This Colony acceded to the Convention in 1901.

Georgetown Electric Supply and Tramways.—The object of Ordinance No. 29 is to enable the Governor in Council to make an order

authorizing the supply of electricity for public and private purposes by the Demerara Electric Company, Limited, and also to grant to the said Company a licence to construct, maintain and operate tramways in the city of Georgetown and its environs.

XII. WEST INDIES.

1. THE BAHAMAS.

[*Contributed by the* Hon. Harcourt Malcolm, O.B.E., K.C., *Speaker.*]

Acts passed—59.

Education.—The Secondary Education Act (c. 1) authorizes the Governor in Council to pay grants-in-aid to the proprietors of schools in the Colony which provide secondary education and meet certain specified requirements based on the average attendance of pupils, on the number and qualifications of the teachers, and on the results of examinations.

The Education Amendment Act (c. 2) amends the Education Act, 1908, by providing for the withdrawal of grants made to the Board from the Treasury as required.

Carriage of Goods by Sea.—C. 3 gives the force of law to rules made by the delegates at the International Conference on Maritime Law held at Brussels in October 1922, as amended by a meeting held at Brussels in October 1923, subject to certain modifications.

Motor-boat Mufflers.—C. 4 requires the use of mufflers on all motor-boats plying in the Harbour of Nassau.

Fuel Oil.—C. 5 makes it unlawful to establish an oil station in the Colony without a licence, and penalizes the preferential treatment of ships of any nationality by any person engaged in the supply of oil.

Capital Punishment Procedure.—C. 7 provides a code relating to Capital Punishment.

Out Islands Administration.—C. 8 consolidates and amends the law relating to the administration of the Out Islands, and divides the Out Islands into districts, each of which shall be placed in charge of a Commissioner. Commissioners are graded and fill many offices *ex officio*.

Magistrates.—C. 9 amends the law in respect of the penalty for the unlawful possession of goods and in respect of the salary and travelling allowances of the Stipendiary and Circuit Magistrate.

Police.—C. 10 amends the Police Regulations Act, 1873, by including barges, lighters and vessels among "places of public resort."

C. 17 amends the Police Act, 1909, by increasing public officers and constables salary.

The Constables Act (c. 32) consolidates and amends the law relating to the appointment of Local, District and Special Constables and their duties and powers.

Illiterates Protection.—C. 12 extends the provisions of the Illiterates Protection Act, 1919, to documents executed outside the Colony.

Currency Note.—C. 13 increases the issue of Government notes from £100,000 to £150,000.

Telegraph Department.—C. 14 prohibits the use of wireless telegraphy installed on a foreign ship while in territorial waters, unless in accordance with the rules made in that behalf by the Governor in Council.

Public Officers Housing.—C. 15 grants £800 a year to the Governor in Council, to enable him to lease homes for the Chief Justice, Colonial Secretary and Attorney-General.

Colonial Secretary.—C. 16 increases the salary of the present Colonial Secretary from £1,100 to £1,500.

Treasurer Corporation Sole.—C. 19 constitutes the Treasurer and his office a corporation sole for the purpose of taking mortgages and otherwise securing advances of money made by the Colony.

Horse and Carriage Licences.—C. 21 provides machinery for the registration and licensing of horses and carriages.

Water.—The Water Works Loan (c. 23) provides authority to raise locally or in England a loan of £50,000,000 by the issue of thirty-year debentures at a rate of interest not exceeding 5 per cent. These debentures are free of income or other similar tax, present or future.

The Water Supply Act (c. 24) authorizes the appointment of a Water Authority by the Governor for installing a full and sufficient supply of water for public and private use in New Providence.

Public Holidays.—C. 25 authorizes the closing of all public offices, banks and shops on Sundays and public holidays, with the exception of certain shops.

Declaration of Time.—C. 26 constitutes as Standard Time for the Colony the time on the Seventy-fifth meridian west of Greenwich, namely, five hours slow of Greenwich mean time.

San Salvador and Watlings Island.—The Cat Island and San Salvador or Watlings Island Names Act (c. 27) takes away the name of San Salvador from Cat Island and restores it to Watling Island.

Midwives.—C. 28 prohibits persons from acting as midwives unless they are registered. Provision is made for examination of persons desirous to act as midwives.

Extradition.—C. 29 vests the same powers in magistrates in the Colony as are vested in the Police Magistrates and Justices of the Peace in relation to the surrender of fugitive criminals in the United Kingdom under the Imperial Extradition Acts 1870 and 1873.

Dangerous Drugs.—C. 30 regulates the importation, exportation, manufacture, sale and use of opium and other dangerous drugs and repeals the Opium Act, 1924.

Removal of Defunct Companies.—C. 31 authorizes the Registrar-General to strike off the register any company which is not in operation or carrying on business; and any property vested in any company thus struck off the register shall thereupon vest in the Treasurer for the benefit of the Colony. Provision is made for the restoration of a company to the register.

Fire.—False Fire Alarms (c. 33) provides a penalty for persons giving false fire alarms.

Negligent Use of Fire Act (c. 34) repeals the Forest Fires Act, 1895, and provides a penalty for persons wilfully or negligently setting fire to the property of others.

Real Property Tax.—C. 39 amends the Real Property Tax Act, 1886, by requiring the landlord to pay all the tax.

Tariff.—C. 44 amends the Tariff Act, 1919, by reducing the duty on oils.

Immigrants.—C. 45 amends the Immigrants Act, 1920, by enlarging the powers of the Governor in Council to deport any immigrant.

Stamps.—C. 47 amends the Stamp Act 1925 by increasing the number of those who can cancel stamps.

Imperial Preference.—C. 58 grants a preference of 25 per cent. on goods imported being the produce or manufacture of any part of the British Empire.

Canada-West Indies Trade Agreement.—C. 59 confirms the Canada-British West Indies-Bermuda-British Guiana-British Honduras Trade Agreement, 1925, and authorizes a steamship subsidy of £2,000.

2. BARBADOS.

[It is hoped to publish this Summary in the next *Review*.]

3. JAMAICA.

[It is hoped to publish this Summary in the next *Review*.]

4. WINDWARD ISLANDS.

(i) Grenada.

[*Contributed by* N. Julian Paterson, Esq., K.C., *Attorney-General*.]

Eighteen Ordinances were passed during the year 1926, the greater number of which were amending Ordinances of no general interest.

The following may be mentioned:

Dangerous Drugs.—Ordinance No. 1 was passed to give effect to the Geneva Convention signed on February 19, 1925. The Ordinance prohibits the cultivation in the Colony of the plants from which raw opium, coca-leaf, or Indian hemp are obtained, and the importation of raw opium, crude cocaine, coca-leaf, etc. The transhipment of dangerous drugs is also forbidden.

Medicinal opium, cocaine, etc., may be imported only under licence, and the manufacture of these drugs is forbidden.

Carriage of Goods by Sea.—Ordinance No. 4, adapted from the Imperial Carriage of Goods by Sea Act, 1924, was passed.

Oil Fuel.—The Oil Fuel (Landing and Storage) Ordinance (No. 7) empowers the Governor in Council to make regulations preventing discrimination in the supply of oil fuel.

Companies.—Ordinance No. 18 was passed bringing the law of the Colony on this subject into conformity with the Imperial Companies Acts.

(ii) St. Lucia.

[*Contributed by the* Hon. J. E. M. Salmon, *Attorney-General*.]

Ordinances passed—21.

Crown Lands.—Crown Lands Amendment (No. 17) empowers the Governor in Council to make rules for the general preservation of lands reserved for water supplies, and to increase to £20 the penalty for breach of any regulation made under the Ordinance.

Fuel.—Oil Fuel Landing and Storage (No. 13) authorizes the making of regulations to control the landing and storage of imported oil and to prevent discrimination.

Harbour and Shipping.—Harbour of Castries Amendment (No. 10) increases the cargo dues on ships under 50 tons.

Carriage by Sea (No. 12) adapts Imperial legislation as to bills of lading. It is a transcript of the Carriage of Goods by Sea Act, 1924, c. 22.

Medical.—Dangerous Drugs (No. 16), based on Imperial legislation, regulates the cultivation, possession, use, import, export, trans-shipment and control of certain plants from which raw opium, the cocoa leaf or Indian hemp are obtained and the drugs (raw opium, morphine, cocaine, etc.) therein specified.

Medical Registration (No. 3) authorizes the granting of a certificate to a druggist's assistant who is eighteen years of age at least.

Pensions.—Pensions Amendment (No. 6) authorizes the grant (with the approval of the Secretary of State) of a pension, gratuity or other allowance to an officer removed from office on account of inability to discharge his duties, having regard to the circumstances of the case. It also authorizes the grant of a death gratuity after five instead of after ten years' service.

Pensions Amendment (No. 15) extends the time for a non-resident officer to notify his election to take a reduced pension and gratuity.

Revenue.—Customs Duties Amendment (No. 5) alters the schedules of import duties as to grain, oil, soap, spirits, and wines, and adds 17½ per cent. to the duty set out in the principal Ordinance (No. 11 of 1921).

Customs Amendment (No. 7) abolishes the privilege of importing certain articles free which had been granted to the West India and Panama Telegraph Co., Ltd., and provides for the importation free of duty of articles imported for the official use of the Pacific Cable Board.

Excise Amendment (No. 8) increases to £100 the penalty for offences relating to unregistered stills.

Export Duties (No. 11) amends and consolidates the law relating to export duties. The schedule to this Ordinance was subsequently repealed and replaced by No. 20.

Income-tax Amendment (No. 14) exempts payments under the Scholarship Ordinance and amends the principal Ordinance (No. 8 of 1924) in respect to the deductions allowable for interest paid, premiums for insurance of property and allowances for wear and tear of plant and machinery.

Liquor Licence Amendment (No. 1) increases the trade duty on spirits from 1*s.* 8*d.* to 2*s.* 2*d.* per gallon.

Stamp Duty Amendment (No. 4) exempts bills of entry for the Governor's imports.

Savings Bank.—Savings Bank Amendment (No. 9) repeals s. 22 of No. 122 of the 1916 Revision which provided for the lapsing into general revenue of deposits unclaimed after a specified period.

Wireless Telegraphy.—Wireless Telegraphy Amendment (No. 18) enacts that "transmission" includes reception as well as sending of messages.

(iii) St. Vincent.

[*Contributed by* W. E. Howard-Flanders, Esq., M.A., *Acting Attorney-General.*]

General Revision of the Statute Law of St. Vincent was carried out during the year 1926, and provision was made for the preparation and publication of a revised edition of the Statute Law of the Colony.

Thirty-three Ordinances were passed during the year under review. The following are of general interest:

Dangerous Drugs.—No. 1 was passed to give effect to the Convention relating to Dangerous Drugs signed at Geneva on February 19, 1925. This Ordinance regulates the importation, exportation, production, sale and distribution of Dangerous Drugs, and is modelled on the Imperial Dangerous Drugs Acts 1920, 1923 and 1925.

Carriage of Goods by Sea.—No. 13 defines the responsibilities, liabilities, rights, and immunities of the shipper, the carrier and the ship. Certain modifications are made in relation to coasting trade and bulk cargoes.

Exportation of Arrowroot.—No. 16 prohibits the exportation of arrowroot starch manufactured from arrowroot grown in St. Vincent in any package containing any other substance. It makes provision for the marking of packages containing such arrowroot starch. Packages exported through the post are exempted from the provisions of this Ordinance.

Oil Fuel (Landing and Storage).—No. 23 gives power to the Governor in Council to make regulations controlling the landing and storage of oil fuel imported into the Colony.

5. TRINIDAD AND TOBAGO.

[*Contributed by* L. H. Whitehead, Esq., *Attorney-General.*]

Thirty-one Ordinances were passed during 1926, of which the following are of interest:

Wireless Telegraph.—Ordinance No. 3 enables the Governor in Executive Council to make regulations as to the use of wireless telegraphy installed on ships and aircraft other than ships and aircraft in His Majesty's Service.

Carriage of Goods by Sea.—Ordinance No. 6 gives effect to the draft Convention on Bills of Lading agreed to at the International Maritime Conference in 1922 and 1923. The Ordinance closely follows the English Act 14 & 15 Geo. V, c. 22.

Workmen's Compensation.—Ordinance No. 8 (as amended by No. 30) introduces the principles of the English Workmen's Compensation legislation. The Ordinance is based on the 1925 English Act and the 1923 Indian Act, with variations of details to suit local conditions. Claims are settled by a Commissioner appointed by the Governor. The maximum sum payable in case of death is thirty months' wages or £250 whichever is less, in case of total disablement forty-two months' wages or £350, whichever is less, and in case of partial disablement a percentage of the compensation payable on total disablement.

Bills of Exchange.—Ordinance No. 18 extends to bankers who in good faith and in ordinary course of business pay drafts or orders on a forged endorsement the protection given them if they pay on a forged bill of exchange. The Ordinance follows s. 19 of the English Act 16 & 17 Vict., c. 59.

Young Offenders Detention.—This Ordinance (No. 19) provides for the establishment of an institution to which youthful offenders who are over the age (sixteen) at which they may be detained in an industrial school, may be sent to undergo industrial training and other instruction and to be subjected to such disciplinary and moral influences as will conduce to their reformation. The Supreme Court or a magistrate may

commit such offenders to the institution in lieu of sentencing them to undergo the ordinary imprisonment.

Motor-launches.—Ordinance No. 21 provides for the control of motor-launches, with a view to the safety of the passengers and crew. Launches (other than private pleasure launches) may not be used unless duly licensed and unless they carry a licensed captain and (if necessary) a licensed engineer. Licences for launches are granted on the certificate of a surveyor appointed by the Governor, and licences to captains and engineers on certificates of competency issued by the Board of Examiners.

XIII. MEDITERRANEAN.

1. GIBRALTAR.

[*Contributed by* J. Discombe, Esq., *H.M. Acting Attorney-General.*]

Eight Ordinances were enacted during the year 1926.

Carriage of Goods by Sea.—The provisions of Ordinance No. 1 are the same as those of the Carriage of Goods by Sea Act, 1924 (14 & 15 Geo. V, c. 22), except that s. 4 of that Act which relates to the carriage of goods between Great Britain and Ireland is omitted.

Arbitration.—Ordinance No. 2 gives effect to a Protocol on Arbitration Clauses signed at a meeting of the Assembly of the League of Nations, September 24, 1923. The Ordinance follows the lines of the Act 14 & 15 Geo. V, c. 39.

Revenue.—Ordinance No. 3 amends the Revenue Ordinance as to duties on wines, spirits, malt liquors, tobacco, etc. It provides a preferential rate of duty for the produce of the British Empire.

Title to Lands.—Ordinance No. 4 amends the Title to Lands Consolidation Order, 1888. The Governor is authorized to approve any deed for registration whereby a dwelling-house or premises are demised to an alien who is a Consular Officer of a foreign Power, provided that the demise is for a period not exceeding twenty-one years, and that such dwelling-house or premises shall only be used as his residence or consular offices.

Colonial Hospital.—Ordinance No. 5 makes further provision for the administration of the Colonial Hospital: the Assistant Surgeons and the Staff are placed under the control and direction of the Colonial Surgeon and a Board of Visitors is appointed to visit and inspect.

Criminal Justice.—Ordinance No. 6 provides for the better administration of criminal justice. It contains such parts of the Act 15 & 16 Geo. V, c. 86 as have been found suitable for adoption in Gibraltar, the parts which deal with probation of offenders, venue and quarter sessions having been omitted.

Aliens.—Ordinance No. 7 amends the Aliens Order Extension Order in Council, 1900, by enacting that the exception contained in the Order in Council in favour of the wife or child of a British subject employed in Gibraltar in His Majesty's Service shall not extend to the wife or child of a serving soldier unless such wife or child is entitled to transport at the expense of Imperial Funds.

Oil.—Ordinance No. 8 provides against the discharge or escape of oil into the waters of Gibraltar. It follows closely the lines of the Act 12 & 13 Geo. V, c. 39.

2. CYPRUS.

[*Contributed by* C. C. GERAHTY, ESQ., *Attorney-General.*]

Laws passed—32.

The following are the principal enactments:

Pensions.—Nos. 2 and 24 are amendments to the Pensions Law, 1905. No. 2 empowers the Governor in Council, with the approval of the Secretary of State, to grant a pension, gratuity or other allowance to an officer who is removed from his office on the ground of inefficiency, and to whom no pension, gratuity or other allowance can otherwise be granted. No. 24 empowers a public officer to elect to take on retirement a reduced pension and a gratuity equal to ten times the annual value of reduction in lieu of the pension to which he may be entitled under the Pensions Law, 1905. It also empowers the Governor in Council to grant to the legal personal representatives of an officer, who dies in the service of Cyprus, a gratuity of an amount not exceeding one year's pensionable emoluments of such officer.

Spirits.—By Nos. 3 and 31 (No. 31 incorporated in No. 3), provision is made for the imposition of excise duty on spirits and licence duties on stills.

Tithes.—No. 5 abolishes the taking of tithes on the threshing-floors in respect of wheat, barley, oats, vetches, rye, favetta and vikos.

Provisional Powers. — No. 8 empowers the Governor in Council during the period of seven years from the date of determination of the war to make orders (1) to regulate, permit or prohibit the exportation and importation of animals and things, (2) to regulate dealings with coinage and currency notes and provide for the issue of currency notes, and (3) to provide for the custody by a Public Custodian of enemy property.

Former Enemy Aliens. — No. 11 repeals the Non-ferrous Metal Industry Law, 1919, and the Deportation of Former Enemy Aliens Law, 1919.

Advocates.—No. 12 amends the Advocates Law, 1894, by disqualifying a person, who obtains a diploma by correspondence, to be enrolled as an advocate. It gives power to the Legal Board to grant a certificate of enrolment to any person who shall satisfy the Legal Board that he had entered his name before November 1, 1925, to such University or Law School with a view to obtaining a diploma within a period of four years from November 1, 1925.

Telephone.—No. 13 amends the Municipal Councils Law, 1885, and provides that no telephone shall be erected and maintained without a permit from the municipal authority.

Civil Procedure.—No. 15 is an amendment to the Civil Procedure Law, 1885. It makes provisions for a surety who discharges the liability to be entitled to an assignment of all securities held by the creditor, and to stand in the place of the creditor, and use his name, if necessary, in order to obtain indemnification.

Dentists. — No. 17 provides for the registration of dentists and the prevention of unqualified persons from practising as such. It further provides that no person registered under this Law as a dentist shall assume the title of doctor unless he is registered as a legally qualified medical practitioner under the Medical Registration Law, 1917.

Co-operative Credit Societies. — No. 18 amends the Co-operative

Credit Societies Law, 1914, by giving power to co-operative societies (1) to effect sales and purchases of products, commodities or raw material for agricultural purposes and (2) to receive deposits and loans from persons who are not members of such societies subject to conditions to be provided by rules.

Shipping. — No. 19 empowers the Governor in Council to make regulations in respect of the safety of passengers on Cyprus ships. The regulations are made applicable to foreign ships while they are within any port of Cyprus. Foreign ships coming into Cyprus port under stress of weather are exempted. A penalty is provided for breach of any of the regulations.

Licensing.—No. 20 amends the Law with regard to the sale of intoxicating liquors by retail. It gives power to the Principal Officer of Customs to grant to any licensed person a special licence to sell intoxicating liquors by retail at any public function or entertainment in any building approved by the Commissioner of the District. It provides that a licence issued for the sale of intoxicating liquors is not transferable, but a licensee may delegate to another person the right to sell intoxicating liquors on behalf and for the account of the licensee. It further provides that a fresh licence may be issued if the licensee is obliged to leave the premises before the expiration of the licence on payment of the difference between the duty chargeable on the rental value of the old premises, and that chargeable on the rental value of the new premises. It is further provided that the fee payable in respect of any licence granted after September 13 in any year shall be one-half of the fee payable in respect of the whole year.

Pharmacy.—No. 21 amends the Pharmacy Law, 1900, and provides a new Schedule of Poisons and Medical Substances.

Food and Drugs.—No. 22 regulates the sale of food and drugs. It makes provision for the analysis of any article of food or drug. It is provided that all penalties recovered in respect of offences committed within a municipal area should form part of the municipal fund of the municipality where the offence was committed.

Adulteration of Produce.—No. 23 makes provisions for the prevention of adulteration of produce and of sale and exportation of adulterated produce. It gives power to the Governor in Council to make regulations with regard to determining what proportion of foreign ingredients or extraneous matters, whether such ingredients or extraneous matter are in the nature of preservative or not, shall be permitted in the manufacture, sale or preparation for sale, export or preparation for export of produce.

Traffic.—No. 26 empowers the officer in charge of Police to make orders for the route to be observed by all carts, carriages, bicycles, motor-cars, motor-cycles and horses and for preventing the obstruction of streets situate within or without the limits of a municipal area.

Elections. — No. 28 amends the Municipal Councils Law, 1882, by giving power to Governor to make regulations (*a*) for determining the manner in which municipal elections shall be conducted and a poll taken when required; (*b*) for determining the manner in which votes shall be given and the result ascertained; (*c*) for directing the closure before and during such period of municipal election of all or any of the premises (inclusive or exclusive of clubs) licensed for sale of intoxicating liquors by retail situate within the area in which such election is taking place.

It is provided that election petitions shall be presented to and be

tried by a Judge of the Supreme Court. It is further provided that no election shall be valid if any corrupt practice is committed in connexion therewith by the candidate elected.

3. MALTA.

[*Contributed by* C. J. Colombos, Esq., LL.D.]

Acts passed—23 ; Ordinances passed—1.

Unlike its immediate predecessors—1924 and 1925—few laws of major importance found their way to the Statute Book in 1926. The following is a summary of the principal enactments :

Buildings.—Act No. 6 was passed for the purpose of ensuring symmetry in buildings and makes it obligatory on every landlord, before the commencement of any works, to submit a detailed plan thereof to a Board specially set up. The Board is empowered to reject the plan *in toto* or to alter the same in accordance with the requirements of art and æsthetics. Religious, naval and military buildings are exempted from the operations of the Act.

Succession Duties.—Act No. 14 makes certain amendments to the Succession and Donation Duties Ordinance, 1918, which are of considerable local importance. It exempts from the payment of death duties all estates whose net value does not exceed £5,000 in the case of property passing to husband or wife or lineal ascendants or descendants of the deceased (with equivalent exemption for estates up to £20,000), and £500 in the case of property passing to sisters or brothers of the deceased.

Dangerous Drugs.—This Act (No. 15) assimilates the law in Malta to the law in force in Great Britain for the purpose of giving effect to the Geneva Convention of February 19, 1925.

As the Act, in accordance with constitutional limitations, was only applicable to the interior trade of the island, Ordinance No. 1 was enacted in order to enable the illicit drug traffic to be effectively dealt with during its passage by sea or air into Malta and its territorial waters.

Factory Legislation.—In view of the fact that labour in Malta has hitherto been chiefly agricultural, and that industries on a comparatively big scale are only now beginning to develop, factory legislation has made a tardy appearance in the island. The application of the Act (No. 21) is confined to such factories as have at least ten employees or are dangerous or unhealthy in character, and in either of these labour by children under the age of fourteen is forbidden. Night labour by women under eighteen and by children under sixteen is only allowed subject to a permit of the Minister of Labour. Women and children must not, further, be employed for more than eight hours per day with two or more intervals of an aggregate duration of not less than an hour.

XIV. PALESTINE.

[*Contributed by* Norman Bentwich, Esq., O.B.E., M.C., *Attorney-General.*]

Ordinances passed—47.

The output of legislation by the Government of Palestine continues to grow from year to year. In 1925 thirty-nine Ordinances were passed,

which was a larger number than that issued in any previous year of the Civil Administration ; but in 1926 the total rose to nearly fifty. A number of the enactments are, indeed, amending measures which make minor modifications in previous legislation. At the same time, the legislation of 1926 includes several important constitutional and administrative enactments. The principal reason for this constant legislative activity is that the whole of the Ottoman administrative law has to be substituted by more exact and modern legislation based upon Western models to be in conformity with the present development of the country.

Municipal Franchise. — Since the British Occupation Municipal Councils in Palestine, which under the Ottoman Law were elected bodies, have been nominated ; but when the Nationality Order in Council was promulgated in 1925 it became possible to constitute an electorate again, and to return to the system of elected local bodies. The qualifications for the franchise, however, which were laid down in the Ottoman Law were not appropriate to the new conditions. They conferred the right of electing exclusively on owners of immoveable property who paid a certain amount of land tax.

By the Municipal Franchise Ordinance (No. 45) the right of voting is given not only to owners of property, but also to occupants of premises who pay municipal rates of a fixed amount, or who are tenants of premises on which rates of that amount have been paid. The franchise can be exercised only by male Palestinian citizens of the age of twenty-five years and upwards, while the right of being elected is restricted to such citizens who are of the age of thirty and upwards, and have a property qualification double that prescribed for the right to vote. Provision is made for representation of communities on the Municipal Councils ; the determination of the number of seats to be allotted to members of each community where the population of a town is mixed being vested in the Government. Each elector, however, is entitled to vote for as many members of the Council as are to be elected. In order to ensure that candidates will be genuine representatives of a community, each candidate must be nominated by at least twenty members of his community who are voters. The Government exercises the power of appointing the Mayor from among the elected members of the Council. The period of office of the Council is three years, and any vacancy which occurs is filled by a by-election. Provision is made for dealing with election offences and election petitions, which are tried by a judge nominated by the Chief Justice.

Organization of Religious Communities.—The principal non-Moslem religious bodies in Palestine, such as the Orthodox Greek Church, the Latin Church, the Jewish Community, were organized under the Ottoman Government according to certain decrees and firmans. Those enactments were in many cases not appropriate to the circumstances of the community in Palestine, and Ordinance No. 19 gives the High Commissioner power, with the approval of the Secretary of State, to make Regulations for the organization of any religious community which makes application therefor, and for its recognition by the Government of Palestine. Special Regulations are to be made in each case suited to the particular circumstances and organization of the community concerned. The Regulations may provide for the constitution of Councils or Boards of the community which shall have juristic personality, and may bestow upon the Councils power to impose on members of the com-

munity rates, contributions or fees for communal purposes which shall be recoverable in the same way as municipal taxes and fees.

Administration of Russian Properties.—A peculiar difficulty with regard to the affairs of the Russian religious organizations in Palestine arose on account of the purported dissolution of the two Societies, the Ecclesiastical Mission and the Orthodox Palestine Society, by the Soviet Government. An Ordinance (No. 31) was passed which provides for the appointment by the Government of an Administrator of the properties in the possession of the Societies, and the Administrator is empowered to deal with the property and revenues for the religious and charitable purposes for which the Societies were established.

Moslem Council.—A Council for the regulation of Moslem affairs was constituted by Regulation in 1921 and elections in accordance with that Regulation were held in 1925 for a fresh Council. The elections were declared null by the High Court in consequence of certain irregularities, and pending the revision of the Regulation it was necessary to provide for the continuation of the Council by nomination (No. 18).

Organization and Jurisdiction of the Courts.—The Crown Actions Ordinance (No. 30) institutes a system similar to that in force in England with regard to actions brought by or against the Government. Any action in which the Government is a plaintiff or defendant will be brought by or against the Attorney-General. Where the suit is brought against the Government or any Government Department, the action must be commenced by the filing of a petition which is submitted for the fiat of the High Commissioner. An action against the Government will lie only on account of a claim of the nature of contract or the restitution of property, or claiming a title to land. Costs may be awarded in all such actions in the same manner as in actions between private parties, save that the Government cannot be required to pay Court fees.

The Coroners Ordinance (No. 35) introduces another institution of the English legal system, namely, the coroner's inquest. It provides for the appointment of Administrative Officers as coroners with magisterial powers. If a coroner finds that the death of a person was caused by a criminal act he may commit the person accused for trial as though he were sitting as a civil magistrate.

The Poor Prisoners Defence Ordinance (No. 37) gives power to the President of a Court to certify that a prisoner charged with an offence triable by the Court of Criminal Assize shall have legal aid in the preparation and conduct of his defence, of which the expense is charged upon the Treasury if he is unable to pay.

The Imprisonment for Debt Ordinance (No. 29) amends the law with regard to imprisonment for debt. It reduces the period of imprisonment on account of failure to pay a fine or costs in a criminal case, and prescribes that a person under the age of eighteen years shall not be committed to prison on account of failure to pay any civil debt.

The Arbitration Ordinance (No. 9) is closely modelled on the English Act of 1889 concerning arbitration. The provisions in the Ottoman Civil Code regarding arbitration were found to be embarrassing, and they are declared not to be any longer in force. The Ordinance lays down the practice to be followed in obtaining the execution or setting aside of awards of arbitrators by the Civil Courts. It gives effect expressly to the provisions of the International Protocol on arbitration clauses signed at Geneva in 1923, for the staying of proceedings in the Courts in

respect of matters which are to be referred to arbitration under that Protocol.

Criminal Law.—The Criminal Law Amendment Ordinance replaces the unsatisfactory provisions of the Ottoman Law with regard to offences against women and children and against decency. The enactment includes provisions that embody the terms of the International Convention concerning the White Slave Traffic. The keeping of a disorderly house is made a criminal offence, and provision is made for terminating the tenancy of any premises which are being so used.

The Collective Punishments Ordinance (No. 22) amends the legislation passed in 1921 by which a system of collective fine may be imposed on tribal areas and village areas which are found to be in a lawless or disturbed state. The Ordinance gives power to the District Commissioner to impose a collective fine on disturbed areas in which an offence has been committed, and it has been found impossible to ascertain the guilty individuals. The power of inflicting the penalty is conferred upon the Executive Officers.

The Extradition Law which was enacted by an Ordinance of 1922 was replaced by an Ordinance of 1926 (No. 44) which follows more closely the English Acts. The special agreements for extradition in force between Palestine and Egypt and Palestine and Syria with regard to extradition are maintained by a provision in the Ordinance.

Carriage of Goods by Sea. — The International Convention for the unification of rules relating to bills of lading which was drawn up at Brussels in 1922–3 was brought into force in Palestine by the Carriage of Goods by Sea Ordinance (No. 43). The modifications of the Convention which are prescribed in the English legislation adopting the Ordinance are followed.

Land.—The Expropriation Ordinance (No. 28) supersedes the Ottoman legislation on the subject and establishes a single procedure for obtaining land for a public purpose. The High Commissioner may certify that any land is required for the purposes of a public utility, and thereupon the promoters of the enterprise serve a notice to treat on the owners of the land required. If the owners fail to come to terms, the land is compulsorily acquired and the promoters may enter into immediate possession, subject to the payment into Court of an amount to be fixed. The Land Court is declared the authority for determining compensation. The power given by the Ottoman legislation to take land for widening roads without compensation is maintained, provided that the area taken does not exceed one-quarter of the total area of the plot of the owner; but the High Commissioner may in any case of hardship grant compensation as an act of grace. Provision is made for the imposition of a betterment charge on the surrounding owners where land is taken for making or widening roads, and the value of the adjoining property is improved. The betterment charge is not to exceed one-quarter of the amount of the increase in value and is to be recoverable in not less than four equal annual instalments.

A similar enactment (No. 12 of 1925) deals with the acquisition of land for the Army and Air Force, and gives power to obtain a compulsory lease of land for a term of years as well as the definite acquisition of the land required for military purposes.

The Width and Alignment of Roads Ordinance (No. 24) gives power to the Government by Order to require an area up to 10 metres from the

centre of a main road to be kept free from any building or encroachment until such time as the Government can carry out expropriation for the widening of the road.

Police.—The legislation concerning the organization and powers of the Police Force which was issued in 1921 was found to require substantial amendment, and a new consolidating Ordinance (No. 17) was enacted. The disciplinary powers of the higher Police Officers over members of the Force are reduced and Police Councils of Discipline are altogether abolished. The more serious charges of a disciplinary character against Police Officers are to be tried by the President of the District Court, who is a British Judicial Officer.

Fisheries.—The Ottoman Law with regard to the regulation of fisheries is superseded by an enactment (No. 4) which places the technical control of fisheries in the Department of Agriculture. A licence is required for any person who carries on fishing as a trade.

Forests.—The early Ordinance of the Civil Government enacted in 1920 is superseded by the Forest Ordinance (No. 5). Full power is given to protect forest areas from encroachment and to provide for a system of licensing by the Agricultural Department for the extraction of forest produce.

Dentists.—The profession of dentists which was inadequately regulated under the Ottoman Law is now governed by the Dentists Ordinance (No. 36). Only persons fully qualified may practise dentistry, and only licensed persons may be employed as their assistants. The supervision of the profession is entrusted to the Department of Health. Dentists may not advertise their practice, and power is given to withdraw a licence on account of any professional misconduct.

Ottoman Pensions. — A special Ordinance (No. 27) was enacted to provide for pensions payable to ex-Ottoman officials who were in receipt of a pension from the Ottoman Government at the time of the Occupation, or who were granted a pension subsequently as an act of grace by the Palestine Administration on their retirement from the service. Provision is made, also, for taking into account service with the Ottoman Government in assessing the pension of an Officer of the Palestine Government who retires when he reaches pensionable age.

Customs and Ports.—Several amendments were made in the Customs legislation. The Customs Duties Amendment Ordinance (No. 7) gives the Director of Customs power to take goods on payment of the value declared if he believes that that value is insufficient. Alternatively, he may take the duties in kind.

The Abolition of Export Duty Ordinance (No. 8) does away with the export duty of 1 per cent. which was part of the Ottoman Fiscal system.

The Ports Ordinance (No. 16) provides a fresh scale of port dues; and provides, also, for registration of Palestinian vessels, the licensing of vessels plying for hire within a port, the licensing of boatmen and other persons carrying on an occupation in the area of a port, and the licensing of pilots.

The Wrecks and Salvage Ordinance (No. 6) adopts the English rules on those matters which were not dealt with at all adequately in the Ottoman legislation.

Steam Boilers.—The Steam Boilers Ordinance (No. 1) provides for the inspection of all boilers and prime movers, and the prohibition of the use of any such machine until a certificate has been granted by the Inspector.

Frontier Force.—The Gendarmerie Force, composed partly of Palestinian and partly of British Gendarmes, which was constituted in 1921, was disbanded and a new Force of a military character, known as the Transjordan Frontier Force, was constituted. The main part of the Force is in Transjordan, but it was necessary to pass legislation in Palestine for the administration and discipline of that part of the Force which is enrolled or serving in Palestine. Ordinance No. 11 adopts the general principles of English Military Law, and provides that British Officers and Warrant Officers in the Force are to be subject to the provisions of the Army Act, and not to those of the local Ordinance.

FOREIGN.

1. FRANCE.

[*Contributed by* O. E. Bodington, Esq.]

Justices of the Peace.—The Law of January 1 extends the jurisdiction of Justices of the Peace. Prior to this law the money limit of jurisdiction was 300 francs without and 600 francs with right of appeal. This has now been changed to 600 francs without appeal and 1,500 francs subject to appeal.

Private Companies.—By the law of February 10 the recent French law on Private Companies is extended to Alsace and Lorraine.

Notarial Deeds.—The law of February 21 for the first time sanctions the practice which has recently been growing up of copying notarial deeds on the typewriter on condition that the deed so copied is a first copy and no carbon paper is used. It should be recollected that by the fundamental law of the 25 ventôse, the year eleven of the Republic, all notarial deeds had to be written.

Rentals.—The law of March 31 is an important law concerning rentals and extension of leases which it is impossible to condense in brief form. It may be mentioned, however, that for non-commercial premises an increase of 100 per cent. upon the pre-war rental value is authorized with an addition of 15 per cent. for charges. In the case of commercial or professional premises the maximum increase permitted is 125 per cent. Penalties are imposed on the landlord for exceeding these limits, and in case the offence is repeated it becomes criminal.

Workmen's Accidents.—The law of April 30 extends the provisions of the law in regard to workmen's accidents to agricultural employment.

Alien Labour.—The law of August 11 forbids anybody employing an alien whose identity card is not regularly endorsed with the statement "worker" and also contains provisions preventing an alien workman from going from one occupation to another without the certificate provided for in the law. The penalty is a fine of from 500 to 1,000 francs for each offence.

Organization of Courts of Justice.—The decree of September 6 does away with the District Civil Courts or Tribunaux Civils d'Arrondissement and institutes for each department a Civil Tribunal of First Instance to take their place. A schedule is annexed to the law designating the various Courts and their sphere of jurisdiction. They are divided into three classes: First class tribunals whose sphere of jurisdiction contains more than 300,000 inhabitants or which hold Court in towns whose

population exceeds 70,000. For the second class these figures are changed to 200,000 and 300,000 respectively, and the third class are those Courts where the population respectively falls below these figures. The law contains provisions for transferring the archives of the local Courts to the seat of the new Courts thus created and also as regards the transference of the practice of Solicitors and Barristers practising in the various district Courts.

Administrative Organization. — By the decree of September 10 the number of administrative districts or arrondissements is reduced and 106 sous-préfectures are abolished as well as 70 posts of secrétaires généraux of préfectures. A considerable economy in this administration is likely to result from this suppression.

Speculation, False News. — By the law of December 3 the wilful spreading of false calumnious statements for the purpose of affecting market quotation or any manœuvres designed to procure for the author of them an artificial profit which is not the result of the law of supply and demand is punished by imprisonment of from two months to two years and a fine of from 2,000 to 100,000 francs. These penalties are increased from one year to three years and from 5,000 francs to 150,000 francs if the object of the speculation is cereals or comestibles of any sort, and still further increased in cases where the object of the speculation is goods not ordinarily dealt in by the delinquent.

Lottery Bonds.—By the law of December 14 the sale in consideration of payment by instalments of lottery bonds is forbidden without prejudice to contracts already current at the time of the promulgation of the law.

Identity Cards.—By a provision of the Budget Law of December 19 any foreigner residing in France for more than sixty days must have an identity card which must be renewed every year.[1]

2. GERMANY.

[*Contributed by* Professor Lassar, *Hamburg*.[2]]

Constitutional Law.—Art. 3 R.V. distinguishes two flags, namely, the ordinary Reich's flag and the commercial flag. By Ordinance of May 5, 1926 (R.G.Bl. 1. S. 217) it is ordered that German Embassies and consulates in places outside Europe and in European trading ports must fly both the flag of the Reich and the commercial flag.

Parliamentary Privilege.—Art. 27 of the constitution of the Reich enacts that between two sessions of the Reichstag or during the elections the President and the Deputy-President of the last session shall continue in office and Art. 35 provides further that independently of the sitting of the Reichstag and after the elections or the dissolution of the Reichstag certain committees for foreign affairs and for the protection of the rights of popular representation *vis-à-vis* of the executive shall hold office. Doubts had been felt whether the ordinary parliamentary privileges of deputies extended to the members of these interim committees and to the interim President and Deputy-President. A new Art. 40 answers this question in the affirmative.

The Reich and the Separate States.—In the review for last year reference was made to the recasting of the financial arrangement (*Finanzausgleich*) between the Reich, the States, and the local authorities.

[1] The renewal period has since been extended to two years.
[2] Translated by the Editor.

A number of separate regulations have been published on this subject and they have now been consolidated in the law of April 27, 1926 (R.G.Bl. I. S. 203).

The necessary supplementary Ordinance of February 9, 1926, R.G.Bl. I. S. 106, deals with financial statistics. It contains a long series of provisions in which the States are directed to furnish to the Minister of Finance of the Reich the statistics as to their income, expenditure, budget and financial position. They must make first a complete report up to the prescribed date and afterwards send in supplementary reports.

In the past these accounts had been kept in such a form as to make it very difficult to get a clear view of the position, and it was difficult for the Reich to arrange its finances in a manner corresponding to the actual capacity and needs of the separate States and local authorities. At the present time (May 1928) the first results of this Ordinance are to hand, and it is clear that the Ordinance is extremely important for the further development of constitutional and financial arrangements in Germany.

The influence of the Reich over the separate States has been much increased during the last ten years by the fact that the supreme financial authority in all essential matters has passed to the Reich. The result of this has been that the separate States have no longer been able to defray out of their own money many items of their expenditure, but have had to rely upon grants or loans from the Reich. In this connexion falls a law of March 26, 1926 (R.G.Bl. I. S. 179), which authorizes the Minister of Finance of the Reich to grant loans to the States in order to assist them in making grants for small dwellings secured by a first mortgage.

Law Relating to Officials.—In order to secure the economic position of ex-soldiers, persons specially damaged by the war, and ex-members of the police force a certain number of posts in the middle and lower grades are reserved for these persons. This requirement extends to the official services of the Reich, the separate States, the local authorities and other public corporations. The law on the subject has been lately consolidated by a law and a supplementary order (July 31, 1926, R.G.Bl. I. S. 435 and 445).

Social Legislation.—As the law stood in 1926 unemployed persons were entitled to receive support for only fifty-two weeks. A large number of persons were still out of work at the expiration of this period. A law of November 19, 1926 (R.G.Bl. I. S. 489), establishes a special machinery for their relief, three-fourths of the cost of which is to be borne by the Reich. In 1927 this matter was dealt with by a new law which, however, will fall in to the next report.

Social Insurance.—The law has been changed in a number of details which cannot be stated here. As regards sickness-insurance specially noteworthy is the law of July 9, 1926 (R.G.Bl. I. S. 427) increasing the benefits to women in confinement by provision of midwives free of cost and of various medicaments and containing new regulations as to the money payments to be made in maternity cases. In this branch of law there are numerous changes, but they are too technical and too much matters of detail to be dealt with in this report.

Law for the Protection of Young Persons.—By Art. 118 of the German constitution every German has the right to the free expression of opinion. But this is subject to two exceptions, viz. restrictions on the cinema

and those for the protection of young persons. Censorship of the cinema was introduced by a law of May 12, 1920 (R.G.Bl. 1. S. 953) and a subsequent law of 1923 (R.G.Bl. 1. 26). For the protection of young persons there are laws against filthy and obscene literature and laws regulating places of amusement. Under the first class falls a law of February 19, 1926 (R.G.Bl. 1. S. 505), for the protection of youth from filthy and obscene literature. This provides that all writings which by their low moral standard, and, more particularly, by their tendency to exercise a demoralizing influence, are dangerous to youth must be placed upon a special list. So soon as the writings in question have been published in this list certain restrictions come into force. They are not allowed to be announced or offered for sale either in a shop or by a book-hawker, nor may they be exposed in salerooms, shop windows, etc., or offered to persons under eighteen years of age either for sale or as a gift. The decision whether a writing should be placed on this list is made by special committees which contain representatives of art and literature, of the teaching body and of the organizations for popular culture (*Volksbildungsorganisationen*). Provision is made for an appeal from the decision of these authorities to a special body.

Economic Legislation.—The system of Commissions of Inquiry which forms in England such an essential part of the constitutional practice has lately been introduced into Germany also.[1] In view of the economic crisis through which Germany has been passing for a considerable time a Commission was set up by a law of April 15, 1926 (R.G.Bl. 1. S. 195), "to examine and report as to the conditions of production and distribution in Germany." This Commission has been sitting since that time and has appointed several sub-commissions. Its first publications are already to hand, but it is not yet possible to give a full report of its results.

Trade Law. Base Metals.—Both the wholesale and the retail trade in the base metals (*e.g.* old metal and scrap metal) requires a licence and is subject to strict control. This legislation has been made necessary by the prevalence of the activities of receivers of stolen goods and other untrustworthy persons. (R.G.Bl. 1. S. 425, *Reichsgesetz*—23.7.26.)

Milk.—A law of February 23, 1926 (R.G.Bl. 1. S. 528), amends earlier regulations concerning the trade in milk, skim milk and cream, for which a special licence is required. This licence can only be refused on the ground that the person applying or the premises destined for the milk-trade do not satisfy certain minimum requirements.

Cattle Fodder.—The trade in cattle fodder is subject to special regulations in order, in the interest of cattle breeding, to restrict as far as possible the sale of inferior or injurious cattle foods (*Gesetz.* v. 22.2.26 R.G.Bl. 1. 525).

Agricultural Legislation.—One of the last authorities set up during the war which still continued to exist was the Corn Exchange of the Reich (*Reichsgetreidestelle*) which has discharged certain functions both during the war and in the succeeding period. Out of its assets in 1926 the sum of 60,000,000 marks has been applied to encourage agricultural productions by loans at low interest. Loans have been made, for instance, for agricultural irrigation, the encouragement of land settlement, the improvement of production, especially of fruit and vegetables and the furtherance of means of distribution of agricultural products.

[1] *Cf.* Arts. 34 and 35 of the German constitution.

Air Traffic.—Until 1926 air traffic was subject to certain restrictions imposed upon the German Reich in favour of the Allied and Associated Powers. After an exchange of official notes with the Powers concerned these earlier restrictions have been removed by a law of July 8, 1926 (R.G.Bl. I. S. 397). This law at the same time authorizes the government of the Reich to adopt such measures in regard to air traffic as are required in order to comply with the obligations to the Allied Powers. For the carrying out of this law four Orders were published on July 13, 1926 (R.G.Bl. I. S. 463ff.) which contain detailed provisions concerning the building of aircraft and the limitations imposed on its development.

Traffic Law.—The regulations concerning motor traffic have been amended by a new Ordinance of July 28, 1926 (R.G.Bl. I. S. 425) rendered necessary by the development of the traffic but too detailed for notice here.

Taxing Laws.—There are no very important changes in this branch of the law. Several amendments of the "turnover" or sale tax have been consolidated (R.G.Bl. I. S. 218), and so has the law imposing a tax on the profit realized by owners of agricultural land in consequence of the revalorization of mortgages (*Geldentwertungsausgleich*).

There are further considerable changes in the taxes imposed on the carriage of persons and goods (29.6.26, R.G.Bl. I. S. 357). There is a tax on all contracts for the carriage of persons or goods by rail or by water. This, however, is subject to certain exceptions, *e.g.* the carriage of letters and parcels by post and the carriage of workmen, school-children and soldiers. In regard to goods the tax is 7 per cent. of the freight charge, and as to passengers there is a graduated rate rising from 10 per cent. in the fourth class to 16 per cent. in the first class. The tax is added to the fare or freight charge by the carrier and collected by him and he is responsible for paying it over. A new law dealing with saccharine came into force on June 14, 1926 (R.G.Bl. I. S. 409), and there are subsequent regulations for its application (S. 467). According to the regulations in force a licence from the government of the Reich is required for the production or import of saccharine, and there is also a special tax on the consumption of saccharine.

The local authorities are bound by a finance law to levy an amusements tax, that is, a tax on all those amusements which are subject to taxation, *e.g.* dances, public entertainments, circuses, music-halls, theatres, concerts, etc. Unless the States or the local authorities publish a special Ordinance on the matter the amusements tax is to be governed by the Ordinance of June 12, 1926 (R.G.Bl. I. S. 262).

3. UNITED STATES OF AMERICA.[1]

Federal Legislation.

Administration of Justice.—Out of the oil lease controversies have come two contributions to the laws on procedure. Public 476 provides that nothing contained in any Act of Congress shall be construed to empower the Court of Appeals of the District of Columbia to allow appeals from interlocutory orders in criminal cases or "to entertain any such appeal heretofore or hereafter allowed or taken." The refusal of

[1] Summarized from the 1926 Report of the Committee of the American Bar Association on Noteworthy Changes in Statute Law.

former residents of the United States to testify before a French court to which letters rogatory had been issued at the instance of the United States, caused the enactment of Public 483. That Act allows any court of the United States to subpœna a citizen or person domiciled in the United States who is abroad and refuses to testify in a foreign court to which letters rogatory had been issued, or whose testimony is desired by the United States in a criminal action. The subpœna is served by an American consul. If the witness fails to appear the court issues an order to show cause why he should not be punished for contempt and causes the marshal to seize his property in the United States. The order is published and an attempt made to serve through a consul. On return day, the court may fine a recusant witness up to $100,000 and sell property to pay it.

Organization of Government.—Public 440, entitled "An Act to consolidate, codify and set forth the general and permanent laws of the United States in force December 7, 1925," is the result of many years' effort to revise the laws of the United States; even though the product itself is not a revision of the laws. The Act provides that the fifty titles of the "Code" are intended "to embrace the laws of the United States, general and permanent in their nature, in force on the 7th day of December, 1925." The matter set forth in the Code "shall establish *prima facie* the laws of the United States general and permanent in their nature in force on December 7, 1925," but the Act provides that nothing in it "shall be construed as repealing or amending any such law, or as enacting as new law any matter contained in the Code" and it is further provided that in case of any inconsistency between any provision or section of the Code and the corresponding portion of prior legislation the prior legislation is to govern.

International Relations.—A relaxation of the immigration law by Public 294 admits as non-quota immigrants aliens who served in the army or navy during the war, and their wives and unmarried children under 18, but only if the visa is issued before May 26, 1927. These immigrants are likewise exempt from certain other requirements of the immigration laws, notably the literacy test. Settlements of the foreign debts were approved with Esthonia Public 160, Latvia 161, Roumania 167, Czecho-Slovakia 168, Italy 155 and Belgium 159. All are on a 62-year basis, and 159 is interesting as the Belgian debt is divided into pre-armistice, without interest, and post armistice, bearing interest. Public 186 authorizes $10,000,000 to be used for buildings abroad for the diplomatic and consular service.

Taxation.—Public 20, Revenue Act of 1926, makes important reductions in taxes and changes the technical and administrative features of the revenue laws—among other changes the credit on the estate tax for estate taxes paid in a state, is increased from 25 per cent. to 80 per cent., to encourage uniform estate taxes in the states. Public 75 provides a new alternate way of taxing National Banks, by the states. It permits taxation of the bank "according to or measured by" its net income, including income from tax exempt securities.

Commercial Regulations.—Public 450, the administrative farm relief bill, is based on the theory that a farmer with knowledge has power. It authorizes a division of co-operative marketing in the Department of Agriculture, to advise farm co-operatives, and allows such co-operatives to exchange information directly or through a common agent.

Public 301 contains a number of amendments to the Bankruptcy Act, correcting the principal abuses and evasions of the law by dishonest persons. Co-operation between federal and state agencies is the subject of Public 180 which permits the Secretary of Agriculture to register a state agency weighing livestock, as an agency under the Packers Act, with the right to revoke registration. The device used to identify oleo-margarine from butter, by colouring it, is adopted by Public 151 which requires that imported alfalfa and clover seed be coloured, and if not coloured cannot be carried in interstate commerce.

Domestic Relations.—Public 312 repeals the portion of the District of Columbia Code providing that no married woman shall have power to make a contract as surety, guarantor, accommodation drawer, acceptor, maker or indorser. Public 40 is a Mother's Pension Act for the District, administered by the local Board of Public Welfare.

Labour.—The Railway Labour Act, Public 257, abolishes the Railroad Labour Board, which was created by Title III of the Transportation Act, 1920, and returns to the principle of the settlement of railway labour disputes through voluntary agreements between the carriers and their employees, with the assistance, if necessary, of a governmental agency. To settle disputes Boards of Arbitration are set up consisting of representatives of both parties. A Board of Mediation is created primarily to induce the parties to settle disputes. The President may, in case of a dispute not settled by arbitration, create an Emergency Board to make an investigation and fix the responsibility for failure to arbitrate.

Police.—Prominent among the police Acts is the Air Commerce Code, Public 254. The Act contains provision for registration of aircraft, compulsory for commercial, voluntary for private, craft. Foreign-owned craft are excluded from domestic commercial navigation. Flying is regulated on the basis of interstate and foreign commerce. The airspace above a height to be fixed by the Secretary of Commerce is declared navigable airspace, subject to freedom to navigate, and the airspace over the United States is subject to the sovereignty of the United States. A new assistant secretary is created to administer the Act. Public 460 amends the motor vehicle Act of the District by extending the authority of the directors of traffic to animal, pedestrian and all vehicular traffic. The Act allows the director to revoke permits, subject to appeal to the Commissioners of the District, in addition to judicial appeal. An interesting application of the principle of the Webb-Kenyon liquor Act is Public Resolution 14, providing that if the Secretary has declared a plant quarantine, plants carried into any state in violation are subject to the laws of the state.

State Legislation.

State Government.—Reorganization is much in the order of the day of legislative assemblies. Opinion has not settled into a groove on the best form of state government, however. Boards and single-headed departments, gubernatorial responsibility and overlapping commission so organized as to prevent one governor having control, exist side by side.

New York leads the way with a recast of her whole administrative machine. Generally the head of each department is a commissioner appointed by Governor and Senate for terms co-terminous with that of the governor. The commissioner appoints his subordinates, thus can be held responsible for his department. 343 divides the administration

into 17 departments. 546 creates the Executive Department which includes the divisions of the budget, military and naval affairs, standards purchase, state police, and an interesting division on inter-departmental relations, which is composed of the assistants to the Governor, the commissioner of education, and the heads of the departments of health, mental hygiene and correction and a representative of the department of charities designated by the board. The Governor is *ex-officio* chairman and may invite representatives of any other department where the department is concerned. The state police is given the duty of enforcing the motor vehicle provisions of the highway law formerly exercised by the officers of the motor vehicle bureau. The Act sets up for the State an executive budget. 651 creates a Department of Charities the head of which shall be the State Board of Charities. 584 sets up a Department of Mental Hygiene under a Commissioner who must be a physician with at least ten years' practice and five years' experience with mental disease.

Kentucky makes several changes. 180 creates a State Purchasing Commission for the state, Chairman appointed by the Governor to serve at the pleasure of the Governor and to be compensated, and the other members to be members of boards of public institutions and designated by the Governor. The Commission purchases supplies for the State or the State institutions. It shall make an estimate for the biennial budget and have authority to provide for transfer of personal property from one department to another. The Act does not affect contracts for public printing except that the commission purchases supplies and paper. 174 authorizes the State inspector and examiner to install a uniform system of accounting for the receipt and handling of State money, and also for the counties. All county officers handling State funds must report annually to the State inspector. 195 creates a State Highway Department under a State Highway Commission of four members to be appointed from different highway districts by the Governor and Senate. No more than two shall be members of the same party. It transfers and concentrates the State road work under the department. The Act contains regulations of the contracts and work of the department. The Commission appoints a highway engineer. The problem of who shall boss the auto buses is solved in Ky. 112 by taking the job from the Highway Commission and giving it to a single commissioner of Motor Transportation appointed by the Governor for four years with power to appoint his own subordinates. 188 authorizes the Governor to appoint during his pleasure a whole time Commissioner of Pardons to aid him in application for pardons, commutations and reprieves and such other duties as the Governor may assign to him. He is given power to administer oaths.

N.J. 147 sets up a Department of Motor Vehicles to have control over registration and regulation of such vehicles. The Department is under a commissioner who is named in the Act to hold office until 1930 and whose successor is to be elected by the joint session of the legislature for a four-year term. He appoints a deputy. This Act takes the Department out of the office of the Secretary of State. 148 gives the commissioner the power to appoint a chief inspector of motor vehicles and makes certain changes to free the Department from the control of the Secretary of State.

R.I. 862 authorizes the Penal and Charitable Commission to appoint a salaried director of the children's bureau to carry out the new duty

imposed on the commission to enforce the laws for the protection of children.

The tendency to appoint commissions from persons nominated by non-official bodies finds expression in Mississippi and New Jersey. By Miss. 264 the Livestock Sanitary Board is reorganized to contain the Commissioner of Agriculture, Professor of Animal Husbandry and Veterinary Science at the State Agricultural College, one veterinary and one stockman appointed by the Governor. The veterinary is appointed from three names submitted by the Veterinarians Association and the stockman from three names submitted by the Livestock Association. The Board is given full power to deal with animal disease. N.J. 188 creates a commission to inquire into the condition of crippled children and report. An interesting development of the idea of representation of organizations provides that the committee shall have, in addition to the official members, representatives from the Elks, the Rotarians, the Shrine and the Kiwanis, to be appointed by the Governor upon recommendation of the respective organizations. Another evidence is La. No. 4. The former Act required that there should be at least one registered nurse in the board of five, the others being physicians. The amendment requires three nurses appointed on recommendation of the Nurses Association and two physicians. This is an evidence of the progress of women in the advance towards equality with men.

The Virginia legislature does not forget itself. 587 raises the salaries of members of the legislature from $500 to $720 for regular session and gives the President and Speaker of the House of Delegates $900 instead of $720. At extra sessions the President and Speaker gets $450 instead of $360 and other members $360 instead of $250. 88 forbids the salary of any state officer or employee not specifically fixed by law to be increased without prior authorization of the Board or Commission under which he is, and consent of the Governor. The Act does not apply to teachers or employees receiving less than $100 a month. La. No. 36 allows the parishes and municipal corporations except the city and parish of New Orleans to establish and operate public libraries on the petition of 25 per cent. of property taxpayers. In order to guarantee the proper operation of the system a State Board of Library Examiners of three is to be appointed by the State Library Commission to grant certificates as librarians. Only persons holding such certificates may be head librarians. Miss. 170 makes the practice of nepotism in state or local offices unlawful. Ky. 186 requires contractors submitting bids or estimates or dealing with any state agency or institution to disclose the names of their salesmen and representatives and requiring the registration of such persons with the Secretary of State, punishing violation of the Act as a misdemeanour. The requirement includes any person directly or indirectly interested in the profits of the transaction and the Act punishes breaches criminally. Wash. 155 provides for the lease of coal deposits owned by the State.

Legislative proof that Americans are a sentimental as well as a practical people is contained in La. No. 110 which makes an appropriation to aid in establishing a memorial park and monument to commemorate the story of "Evangeline," and in Ky. 368 which makes Professor J. C. T. Noe poet laureate of Kentucky and grants him all the honours thereto appertaining. The legislature carefully declares that the title bears with it no financial obligation on the Commonwealth. Ky. 350

Senate Resolution 17 adopts the Kentucky Cardinal as the official bird of the State of Kentucky and 353 Senate Resolution 20 adopts the goldenrod as the official state flower. La. No. 5 designates April 30 of each year as Louisiana Day. It is interesting that the State of Kentucky by 191 declares January 19 a legal holiday to be known as Robert E. Lee Day. Va. 368 appropriates $50,000 a year for advertising the advantages and resources of the state, to be spent by the Commission on Conservation and Development.

Wash. 36 makes Armistice Day a legal holiday.

Local Government.—The sweep of the country by the budget idea is evident in local as in State Government. Va. 545 is a local government budget Act requiring boards of supervisors for counties and the governing boards of cities and towns to prepare an annual budget, a synopsis of which shall be published in local newspapers and public hearings given. The State accountant must audit annually accounts and records of every county. Before any local tax levy may be increased the amount and purpose of the increase must be published in a newspaper and a hearing must be held. Ky. 170 sets up a county budget commission in each county, of the county judge and two members to be appointed by him and provides for county budget and makes other provisions in respect to the fiscal affairs of the county. Another proof of a desire for better order in local finances is Ky. 83 which requires all officials of a political subdivision of the State who collect to have custody of public funds to publish annually an itemized sworn statement of all such funds. Wash. 125 establishes a budget system for cities of the first class in the State which includes provision for public hearing on the budget.

The American habit of creating special improvement districts to create, pay for and manage a public utility of local interest, is noteworthy even in this off legislative year. La. No. 343 and Ky. 139 create water supply districts; La. No. 275 an irrigation district, and even municipalities are to be subdivided for special purposes by La. No. 26 which permits the creation of sewerage districts in cities other than New Orleans, and N.J. 79 making the same provision for street lighting purposes. On a larger scale are the South Jersey Port District created by N.J. 336 and the Raritan Port District by 337, both managed by State Commissions. The first members named in the Act, their successors to be named by Governor and Senate for five years. But local control is contained in the requirements for a vote by the people in the district of taxes for works before they can be begun. Another method of carrying out public improvements by existing municipalities is consecrated in La. No. 58 which declares the improvement of navigation canals and channels to be a work of public improvement and allows municipalities to acquire property therefor and carry out such works, to be paid for with taxes on the whole municipality. An interesting development in administration permits the governing authorities of municipalities to appoint three citizen taxpayers as board of advisors without compensation.

Faith in advertising evidently influences political as well as business corporations. N.J. 9, Miss. 267 and R.I. 811 authorize municipalities to tell the world about themselves; Mississippi adding counties and cities. New Jersey is most up to date in method. Towns in that state can set up radio broadcasting stations which may sandwich glowing descriptions of their advantages between musical or educational numbers.

Wash. 42 amends the Code Section permitting eminent domain for

aerial transportation purposes by permitting the local authorities to dispose of the property taken for public use, whenever acceptance thereof on behalf of the United States for aviation purposes is authorized by Congress and further to provide that no property shall be exempt from condemnation for aviation purposes because held to a public use.

Administration of Justice.—Courts.—Wash. 45 establishes a judicial council to consist of the Chief Justice and one other judge of the Supreme Court, two Superior Judges, two members of the legislature and three members of the Bar, one of whom is to be a prosecuting attorney. The judge of the Supreme Court is chosen by the court and the two Superior Judges are chosen by the Superior Judges and members of the legislature are the last chairmen of the judicial committees of the Senate and House. Members of the Bar are appointed by the Chief Justice with the advice and consent of the other judges of the Supreme Court. Judges and prosecuting attorneys remain members during their terms of office. Members chosen from the Bar serve for two years. The Chief Justice is Chairman and the State Librarian is Recording Secretary. The duty of the Council is to watch the operation of the Judicial Department of the State, devise ways and means to improve it, report to the Governor and aid the judges to give effect to s. 5 of Art. 24 of the Constitution, which requires Superior Court Judges to report to the judges of the Supreme Court defects and omissions in the laws, and judges of the Supreme Court to report to the Governor similar defects and omissions.

Wash. by 118 adopts a reform of great importance to lawyers in authorizing the Supreme Court to make rules and prescribe forms of process in all the courts of the state.

Specialized Courts are becoming a feature of our developing judicial system. N.J. 204 authorizes the legislature to create criminal judicial districts in any county, or two or more contiguous counties which have a combined population of not less than 50,000. The Act establishes the jurisdiction, which extends to minor crimes. The judges of a court in one district may sit in another or any recorder or justice of the peace or judge of any criminal court in the county may at the request of the judge of the district criminal court sit as judge in the court. The judges are to be appointed by the Governor with the consent of the Senate for five-year terms. They must be members of the Bar and reside in the county in which the court is established. R.I. 860 extends the power of juvenile courts to dependent and neglected children, including habitual truants and children under 18, whose parents desire to be relieved of their care or have no one to provide for their support or who are unable to earn their living, and also abandoned children or children with improper homes or children defective in mind. An interesting provision includes among neglected children, a child whose parents do not provide proper medical care. N.J. 225 allows the governing body of a municipality or the Board of Freeholders of the county to set up in the district courts small claims divisions to have jurisdiction where the matter in dispute does not exceed $50 or replevin where the value of the article is not over $50. The Act provides at length for summary procedure. Jurisdiction under the Act does not extend to debts, claims or demands held by assignment or transfer.

Automobilists cannot hurry Jersey justice. N.J. 86 provides that any justice or magistrate who holds court on the highway or any place but his regular office is guilty of a misdemeanour. Mass. 138 allows the

superior court to make rules to regulate equity causes. Formerly the general rules in equity of the Supreme Court were as far as applicable the rules of the superior court. La. No. 111 allows the defendant in all cases, except in the Parish of Orleans, to require plaintiff, opponent or intervenor to give security for costs; on failure to do so the court dismisses as in case of non-suit. Mass. 187 dispenses with an oath or affirmation in the case of any written statement required by law to be verified before a magistrate, notary public or special commissioner if the statement contains a written declaration that it is made under the penalties of perjury. Any person making the declaration is guilty of perjury if the statement is wilfully false in a material matter. The chapter does not apply in a judicial proceeding or in a proceeding in a court of justice.

Mass. 168 requires the courts to take judicial notice of the law of the United States or any state, territory or dependency thereof or of a foreign country "whenever the same shall be material."

Attorneys.—Attorneys are not much hampered by this year's laws. A proper way of getting expert advice in a hard problem is accepted by Massachusetts lawmakers who in 55 require the judicial council to investigate the matter of providing for an official, and hence more effective means of disciplining the Bar and regulating the professional conduct of attorneys. Ky. 15 prohibits judges from being partners in law firms.

New Remedies.—Va. 507 amends the admiralty tort law by permitting survival of a right of action after the death of the wrongdoer to be enforced against his executor or administrator or by allowing the bringing of an original suit against the personal representative, whether or not the death of the wrongdoer occurred before or after that of the injured party. Under Va. 311 in an action on a small claim for tort a defendant may file a cross claim averring that plaintiff is liable in tort to the defendant for injury arising out of the same transaction and it shall be tried as part of the original case and the defendant may be given damages. Pleadings are the same as those brought by motion, except that no statement of contributory negligence is necessary unless expressly demanded, and a bill of particulars and grounds of defence may be demanded. Miss. 152 amends the statute of frauds so as to require the authority of an agent to be in writing to conclude any agreement not to be performed within fifteen months.

R.I. 798 requires the release of attachment on the giving of a bond for satisfaction of execution or by the payment of the amount of damages into court. Va. 504 amends the Act relating to a surety's remedies against his principal for money paid on any judgment or execution by substituting the person paying to all the rights and remedies of the creditors for the collection of the amounts paid. Ky. 160 allows a court, after finding by a jury, to enter an order "restoring to his proper senses" a person who has been adjudged of insane mind and giving him all rights of a citizen. R.I. 784 forbids an execution against the body of a defendant or writ of arrest to issue in action of trover or trover and conversion based on conditional sale, lease or consignment of personal property unless ordered by a justice of the Superior Court or of the District Court, thus extending an Act repealed by the chapter which applied only to jewellery and wearing apparel.

Civil Procedure.—Miss. 153 reduces the time for taking an appeal to the Supreme Court from one year to six months. Under N.Y. 385 if a defendant appeals from a judgment entered after trial by jury, for

a less amount than the verdict, the appeal court may increase the amount of the judgment to not exceeding the amount of the verdict. La. No. 10 authorizes a party within three judicial days after judgment to ask for a rehearing which must be granted if there is good cause and allowing judges of district courts to revise their judgments by granting a rehearing. In New York the Civil Practice Act provides that if proof is taken on the oath of an interested or incompetent witness, a conveyance cannot be received in evidence until its execution is established by other competent proof. 387 amends this section by excepting the case where a title to land affected by the conveyance has passed to a subsequent purchaser for valuable consideration.

Criminal Procedure.—The course which inquiry into the crime wave has taken, leads to criminal procedure, and it has produced a considerable crop of laws this session. Noteworthy is the tendency to cope with the evils involved in bail. N.Y. 418 is the boldest step. The law is amended to extend the provision allowing bail in certain serious cases only by judges of higher courts, to cases of recidivists and forbidding the admission to bail of a person charged with a felony or certain misdemeanours until after fingerprints have been taken " to ascertain whether he has previously been convicted," and also requires this record to be given the magistrate. Only local records are required and the fingerprint provisions apply only in localities having fingerprint records. Mass. 320 also is directed towards putting in the hands of the magistrate or judge all the information possible before bail or sentence. The Act requires the court to obtain from a probation officer all available information relative to prior criminal prosecutions of the prisoner before the amount of his bail is fixed in case of an offence punishable by imprisonment for more than a year. The Act also amends the law in respect to probation officers by directing such officer to supply such information to the court, and especially requiring him to inform the court if he learns that the person charged is at liberty on parole. The same information must be given to the probation officer or parole authorities which have granted the parole. The central record system is strengthened in respect to paroles by the amendment requiring records of paroles to be filed with the State commission, to be used for the information of justices and probation officers. Another new section requires the court to obtain from the probation officer the same information before sentence or placing on file or probation of any criminal prosecuted for an offence punishable by imprisonment for more than a year.

Bondsmen are to be more closely scrutinized in New York and Massachusetts. N.Y. 418 requires the filing with bail bonds of affidavits showing what security or indemnity has been promised or given the surety and giving particulars in respect to any person who has agreed to indemnify the surety against loss. An indemnity agreement or promise of an indemnitor, can be enforced only with respect to the agreement set forth in the affidavit. By Mass. 340 the definition of professional bondsmen is extended from persons receiving payment as bail, to include persons becoming bail after having been bail in criminal cases on more than three separate occasions in any twelve months period. Professional bondsmen must be registered by the superior court or a justice and the registration shall be revoked in case they fail to satisfy judgments on bonds within thirty days.

Procedure is modified generally to the advantage of the prosecution.

N.Y. 461 permits defendants jointly indicted to be tried separately or jointly in the discretion of the court. Formerly either defendant might require separate trial. Mass. 227 allows the court on motion of the prosecuting officer to order a complaint or indictment amended in relation to allegation of particulars as to which the defendant would not be prejudiced in his defence. Mass. 228 permits the court on motion of the district attorney to order that the trial of any specified case of crime shall take precedence over all other cases. N.Y. 417 changes the order of criminal trial. Formerly the district attorney had to offer evidence in support of the indictment after opening. Under 417 the defendant must open his defence after the district attorney, and after the defendant's opening the district attorney offers evidence followed by evidence of the defendant. La. No. 31 entitles the defendant to a formal arraignment which consists in reading to him the indictment, information or affidavit and the ascertaining of his plea, but the defendant may waive arraignment and the failure to arraign formally shall not be questioned after he has announced his readiness for trial. Ky. 153 makes it the duty of the judge to instruct the jury as to the law which authorizes it to provide in its verdict that the defendant must work at hard labour until the fine and cost of imprisonment are satisfied.

A wish to hasten proceedings also appears in Mass. 329 which permits a justice of the superior court to extend to any felony the provisions for the elimination of delay previously applicable to cases of indictments for murder or manslaughter. Furthermore, questions of law in criminal cases are to be argued before civil cases are argued. The same state by 245 requires the district attorney to move for sentence within seven days before adjournment of the sitting of the court after plea of guilty or verdict of guilty in a case of felony not punishable by death, wherein no question of law has been reported for decision to the Supreme Court.

Ky. 190 provides that contribution among wrongdoers may be enforced where the wrong is a mere act of negligence and involves no moral turpitude. Louisiana provided for prescription except for certain crimes unless an indictment or presentment was found or exhibited within a year after the offence was made known to the proper officer. The amendment contained in No. 67 adds the crime of rape to the exceptions and requires the prosecuting officers to *nolle prosequi* all capital cases or cases for lesser felonies, in six years from the date of finding indictment or presentment or filing of information, and in case of lesser offences after two years from the same time. The period of limitation does not apply to persons who had absconded or were fugitives. No. 67 adds to the exceptions persons who have escaped trial through dilatory pleas or legal continuances for the respective periods of six and two years. Another amendment sets up a prescription for all felonies six years from the date of the information or indictment and for lesser offences, two years, in case of flight of the accused or dilatory pleas or legal continuances.

The trend of the times appears in Mich. No. 15 which creates a " commission of inquiry into criminal procedure."

Juries.—Proof of a sterner sentiment towards those accused of crime is contained in Mass. 192 which reduces the number of peremptory challenges of the defendant in case of crime punishable by death or imprisonment for life, from 22 to 12.

Washington wants better juries. By 191, the jury list in each county is made up by the Judges and contains " a sufficient number of qualified

persons of fit character and intelligence," in place of the old system of having the county clerk make up a list of "all qualified jurors." The judges may call an elector from each or any jury district to aid them. To carry out the same purpose, a judge is authorized on very broad grounds to excuse from further jury service, any person who has manifested unfitness for service.

Constitutional Amendments. — Ky. 71 submits to the voters of the state an amendment to s. 147 of the Constitution to permit the General Assembly to enact an absent voters' law. La. No. 338 submits to the people an amendment to s. 10 of Art. V relating to pardons. The Constitution provides a Pardon Board of the Lieutenant Governor, Attorney General, presiding judge of the convicting court. The amendment allows the Supreme Court to fill vacancies, if any of these persons do not act, but they must appoint the Speaker in lieu of lieutenant governor, first assistant attorney general in lieu of attorney general, and in lieu of the presiding judge of the court before which the conviction was had, another judge from the same court or district. Kentucky by 345 Senate Resolution No. 12 rejects the child labour amendment as a violation of the principle of local self-government; the assembly believes there can be no real liberty where important personal rights may be regulated as proposed, since the amendment gives Congress the power to enter homes to regulate child life, even to the extent of prohibiting the labour of all persons under eighteen. Va. 1 rejects the child labour amendment to the constitution of the United States.

Taxation.—Three states raised substantially their gasolene taxes, Va. 137 from 2 to 4½ cents, Ky. 169, 3 to 5 cents, Miss. 119, 3 to 4 cents. Virginia used all the revenue formerly for road construction, but now one-third goes to maintenance. Mississippi tackles interstate commerce in a new way by freeing from tax gasolene exported from the state or shipped in interstate commerce, while in transportation, but the gasolene is taxed to the person first selling or using it after it is "commingled with the general mass of property in the state." Distributors shipping gasolene to purchasers in the state may pay the tax as a matter of convenience, to the purchasers.

Reminiscent of Prohibition are two Kentucky laws. Ky. 165 provides for a licence tax on the sale of retail distilled spirits and expressly declares that the Act does not allow any person to sell distilled spirits unless so authorized under the state and federal laws. An emergency is declared because of "enormous sales of such distilled spirits now being made daily in the commonwealth" and untaxed. Ky. 166 imposes an additional licence tax on the manufacture of distilled spirits.

N.J. 339 levies a special tax of ½ a mill on real and personal property in every municipality in the state for the construction and equipment of charitable, hospital, relief, training, correctional, reformatory and penal institutions and appurtenances thereto. The money is to be paid into a state institution construction fund to be allotted by the State Housing Commission on application of the State Board of Control. The Act provides for the precedence of institutions, which benefit by the fund. N.J. 142 provides that a public utility paying an annual franchise tax based on gross receipts shall not include in its statement of gross receipts any sum received in payment for such portion of its products as may have been sold or furnished to another public utility also subject to payment of a franchise tax.

Highways and Motor Vehicles.—The problem of safety on the highways found only the old attempt at solution by punishing drunken or reckless drivers. La. No. 22 makes it a misdemeanour subject to fine and imprisonment for any person to operate a motor vehicle while intoxicated, and No. 48 makes it a felony for any person operating a motor vehicle while intoxicated to cause injury to another. The Act in no way affects the right to prosecute for manslaughter when death ensues. By N.Y. 732, the intoxicated operator of a motor vehicle who does serious bodily injury to another is guilty of a felony. An interesting stepping-up provision is contained in New Jersey 152 changing the penalty for operating an automobile when intoxicated. The former punishment was imprisonment for three days to six months and forfeit of the right to operate a motor vehicle. The change makes the punishment for the first offence fine of $200 to $500, or imprisonment for thirty days or both and forbids the right to operate a motor vehicle for two years. In case of a subsequent conviction the punishment is imprisonment for three months without alternative of fine and the final forfeiture of the right to operate a motor vehicle. Another interesting section requires a person "knowingly involved in an accident" to give assistance and give his name. Formerly he was only required to do this if he caused injury to another person or to property in the possession or use of such person. 275 of N.J. prohibits reckless driving, which is defined to be driving in such a way as necessarily to interfere with the free use of any highway so as to endanger the life, limb or property of any person.

Virginia on the other hand gives motorists some protection. 235 authorizes the Attorney-General and the State Highway Commissioner to designate uniforms to be worn by officers making arrests on the highways and makes it an object for such officers to wear the uniform by forbidding their receiving any fees for any arrest, search or seizure unless they are in uniform. Making free with other people's cars is discouraged by several states. La. No. 187 makes it a misdemeanour not to return a leased motor vehicle. No. 33 provides a penalty for any person who shall steal any part or equipment of a motor vehicle. In Massachusetts, using a motor vehicle without authority of the owner is an offence. 253 amends the law by making it necessary that the person must know that the use is unauthorized. By N.Y. 727 the law in respect to stolen motor vehicles is strengthened by giving to inspectors of motor vehicles power to seize vehicles which there is good reason to believe have been stolen, and authorizing the sale of stolen or unclaimed vehicles three months after they have come into possession of the commissioner, if the ownership has not been determined, and making such sale bar all prior claims, except that the owner may within two years claim the proceeds of the sale. R.I. 803 makes it a crime to conceal a motor vehicle sold on conditional sale or to sell the property without the consent of the vendor and without informing the person to whom sold that the car is subject to a conditional sale. Miss. 120 makes a number of changes in the motor vehicle ownership protection law and adds to it the provision that the making of a false statement or altering a certificate of ownership is a felony. A central record of stolen and found cars is established through report to the auditor by all local officials. Massachusetts believes in the deterrent effect of stiff penalties. 267 amends the Act in respect to punishment of motor vehicle crimes by punishing with imprisonment in the State prison for not more than

ten years or in jail or house of correction for not more than two and a half years a person who steals parts or accessories from an automobile or motor cycle, or operates without the authority of the owners a motor vehicle after his licence to operate has been suspended or revoked and before licence is restored to him. If such a person operates a motor vehicle otherwise than with the consent of the owner his punishment for first offence is from $50 to $100 or ten days or both and subsequent offences is from ten days to one year.

The regulation of automobiles piles up, especially of automobiles for hire. La. No. 232 regulates motor traffic and gives the Highway Commission authority to regulate traffic and enforce the Act. The seed of future progress is contained in the provision giving the police power to investigate causes of accidents. La. No. 226 requires all motor or horse-drawn vehicles, except horse-drawn pleasure vehicles, farm wagons or carts, to have licences. The Act provides for the registration and licences with the drastic provision that if the commission determines that the vehicle is unsafe or improperly equipped or otherwise unfit to be operated, it may revoke registration. Taxation on motor vehicles is fixed by classifying them and by arranging the tax within each class on the combination of carrying capacity and horse power. Animal-drawn vehicles are rated at a fixed amount per 100 pounds of the carrying capacity. N.J. 257 defines the word "owner" in the motor vehicle registration Act to include a person acquiring possession of the vehicle by the conditional sale, lease, bailment, chattel mortgage or other security agreement, but licence must not be issued to such a person unless the "legal owner" of the vehicle satisfies the commissioner that he has the proper manufacturer's bill of sale in his possession. Va. 551 makes several changes in the law. An important change gives the commission the right to impose a penalty not exceeding $500 for breach of its orders. N.J. 151 amending the motor vehicle law contains some interesting provisions. Bail, in case of an adjournment of trial, if forfeited, may be prosecuted by the Commissioner of Motor Vehicles and used by him as are other funds coming into his hands. A person arrested may be detained by the police officer, motor vehicle inspector, or the commissioner making the arrest, for not over twenty-four hours in order to allow the officer to obtain a warrant. The full term of sentence must be served by persons convicted of violating subdivision three of s. 14 of the Motor Vehicle Law. Imprisonment in default of fine cannot last longer than three months.

Ky. 109 amends details in the motor vehicle registration law and contains a new requirement that all peace officers are under a duty to arrest violators of the motor laws, that circuit judges must charge grand juries to investigate and return indictments against violators of the motor law. Evidently there has been too much neighbourliness about the motor law enforcement in the Blue Grass State. Miss. 128 regulates operation of motor vehicles as common carriers and requires a certificate of convenience or necessity from the railroad commission before operating. The commission is given power to supervise such companies, fix rates and regulate service and suspend licences. Liability insurance in an amount not less than $5,000 must be provided. The Act does not apply to interstate commerce. N.J. 144 contains a number of amendments of the New Jersey jitney Act. An interesting modification provides that no revocation of a licence by the municipal authori-

ties shall be effective until the Board of Public Utility Commissioners after hearing approves it, and also prohibiting any transfer of the right to operate without obtaining the approval of the Board of Public Utility Commissioners. It is also made a duty of the Board to take proceedings to prevent the operation of an auto bus in violation of the Act. 231 regulates auto cabs and requires the consent of the municipality for the operation of auto cabs therein and requires a bond filed with the Commissioner of Motor Vehicles, allowing, however, owners operating more than one cab to file a blanket policy in the sum of $50,000 to cover all cabs. It is made a misdemeanour to operate a cab except subject to the law. Ky. 112 amending the Act regulating automobile transportation for hire is interesting. It follows the tendency to protect existing utilities by making it the duty of the commissioner to refuse an application over a route which has two or more lines established, unless he can see that a new line is necessary, and requiring drivers to wear badges showing that they have passed an examination for driving ability, habits and also to have a doctor's certificate. A certificate of convenience may be transferred with the approval of the commissioner. The commissioner is required to make a written statement of findings of facts involved to justify his refusal or grant of an application. An appeal is to be allowed to the court in Franklin County in the trial of which no evidence is to be introduced except as to the fraud or misconduct of a person engaged in the administration. The court must hear the case upon the record or abstract thereof, and shall dispose of it in summary manner. The drivers of vehicles transporting passengers for hire are obliged to stop before railroad tracks at grade. La. 292 puts motor carriers for hire under the Public Service Commission and makes them common carriers subject to service and rate regulation and to the requirement of certificates of public convenience and necessity. In addition they are required to furnish liability insurance on each vehicle used. N.J. 146 gives the Board of Public Utility Commissioners control over all auto bus lines instead, as formerly, over such lines which paralleled railway or traction railways.

The new industry of renting " drive yourself " automobiles receives its baptism of regulation by N.J. 249. The Act requires those engaged in the business to file a bond of $5,000 for each motor vehicle against liability for damages to persons. The owner is to have a certificate given by the commissioner in respect to each vehicle, which may be revoked. Lessees are not allowed to use such motor vehicles for transportation of passengers for hire and any operation of a vehicle contrary to the Act is made a misdemeanour. Va. 149 is an automobile code providing for the continuance of the motor vehicle commissioner, the usual form of protection of title of motor vehicles, the registration of title, and the issuing of certificates which must be transferred on change of ownership and providing for licensing of motor vehicles and chauffeurs. The power of the department is very considerable. It is authorized to register applications for certificates of title " when satisfied as to the genuineness and regularity thereof." Any case of liens or encumbrances after the original issue of a certificate must be notified to the commissioner who shall issue a new certificate of title showing the liens in the order of their priority which shall then be adequate notice to third persons of the lien, and a record of the reservation of title lien or encumbrance is not necessary. This Act is called the uniform motor vehicle and certificate of title registration Act. Va. 274 is a modification of the

laws regulating the operation of vehicles on public highways. N.Y. 730 amends the Act making the owner of a motor vehicle liable for accidents resulting from its operation by any person using it with his consent by providing that a chattel mortgagee is not owner, and providing that the conditional vendor must be deemed owner when he is in possession, thus supplementing the former rule that he should not be deemed owner. There are a number of minor criminal provisions.

Evidently deceitful motor meters are causing much trouble in Louisiana, for No. 218 adds to the regulation of such motors that it is a misdemeanour to let a motor vehicle with a speedometer which is not correct and No. 219 makes it also a misdemeanour to remove a speedometer from a rented car. By No. 192 it is a misdemeanour for a taxi chauffeur to overcharge passengers. Ky. 108 punishes as a misdemeanant any person who charges for mileage of an automobile on a taximeter he knows is wrong or otherwise deceives his passengers as to the distance his motor has travelled, or who lets a motor vehicle to a person intoxicated or under the influence of drugs, or whoever gets possession of a motor vehicle by trick or false representation to defraud the owner or person in possession of a motor vehicle, hires it and failure to pay hire is evidence of fraudulent intent or whoever after hiring fails to return the motor vehicle, whoever after hiring a motor vehicle with an agreement not to permit another to operate it, permits another to operate it. It is made larceny fraudulently to convert to one's own use any motor vehicle. A form of unfair competition is met by La. No. 23 which makes it a misdemeanour for those engaged in the taxicab or livery business to represent themselves as members of another taxicab concern or by imitating the name, colour, design or insignia or other taxicabs. Even the uniform of chauffeurs of one company must not resemble that of another. Ky. 114 requires drivers of vehicles on the public highways to stop before crossing a railroad track, subject to fine, with the usual provision that the failure to observe provisions of the Act does not alter the liability of the railroad in a suit for damages. If this last clause is unconstitutional, then the Act shall be non-effective. Mass. 361 requires the clerk of the court or trial justice to notify the registrar of motor vehicles in case a motor vehicle has been used in the commission of a felony or certain other offences. Va. 342 punishing throwing stones at trains or vessels is amended to add motor vehicles or other vehicles carrying passengers. Va. 446 makes it a misdemeanour to use a smoke screen on a motor vehicle to escape arrest or hinder an officer in following a vehicle. N.J. 151 amending details in the automobile law contains an interesting new provision permitting a police officer, motor vehicle inspector or the commissioner to detain persons arrested by them for a reasonable time to permit the officer to get a warrant. The detention cannot be over twenty-four hours.

Wash. 131 prohibits private occupancy of rights of way on any state highway whenever the Highway Commission by resolution declares that the State needs the full width of right of way in any highway and provides means of removing private property thereon.

Public Utilities.—A new form of Public Utility regulation makes its bow to the public in La. No. 52 which regulates the aeroplane passenger business. It applies the rule adopted in respect to automobiles by compelling those who operate aeroplanes for hire to provide an indemnity bond in favour of the Governor of the state for the benefit of any person injured in person or property. The serious intent of the legislature is

shown by the fact that the amount of the bond for the first aeroplane is $15,000 and is increased by $1,000 for each additional aeroplane. Carrying passengers without having filed a bond is a misdemeanour and the penalty is extended to persons who operate as pilots, aeroplanes which are not bonded.

Education.—Disbelief in Darwin's dogma is declared in Miss. 211 which adopts the Tennessee Evolution Law making it unlawful for any teacher in any institution supported wholly or in part by public funds to teach that mankind "ascended or descended from a lower order of animals." A milder expression of legislative omniscience is Ky. 343, which declares John Fitch inventor of the first steamboat and recommends teachers in State-aided schools to impart this truth to pupils. Protection of the reputation of a citizen of Kentucky inspired the Act which alleges that Fitch resided, died and lies buried in Kentucky. An Act in the usual form is La. No. 30 requiring instruction in the Constitution of the United States in schools, colleges and educational institutions supported in whole or in part by the public funds of the State or its subdivisions. Wash. 134 requires the Constitutions of the United States and of the State to be taught as a condition to graduation in common or high schools or private schools whose work is accepted in lieu of that of public schools.

Two States deal with textbooks. Miss. 316 creates a High School Textbook Commission of State Superintendent, the State Supervisor of High Schools, three members appointed from the school districts, three from the consolidated school districts and one from the agricultural high school—appointments by the Governor. The appointed members must have been connected with a high school as teacher or principal for five years immediately preceding appointment. The commission shall arrange a programme of studies for high schools and adopt textbooks which are sold to patrons of the schools under contract with the commission. Ky. 77 repeals former laws providing for a textbook commission and sets up a state textbook commission of an interesting type. There are twelve members, the Governor, State Superintendent of Public Instruction, and ten appointed for four years for overlapping terms. At least one member and never more than two shall be appointed from each district from which judges of the court of appeals are elected and there must be one member of the Faculty of each of the normal Schools and one of Faculty of the University. The commission selects textbooks for the elementary and secondary schools and no teacher may use books except those prescribed. The books are furnished on bids at prices agreed upon between the publisher and the commission.

Conservation.—Louisiana declares her ownership in oysters, No. 258, wild animals and birds, 273, fur-bearing animals, 80, shrimp, 103, frogs, 134. The principle of special taxes for special uses appears in all these Acts which fix licences for taking and dealing in the property, and 258 leases of oyster bottoms, all for the benefit of the Conservation Commission. Notable from the standpoint of humanity is the provision in 80 requiring hunters to visit traps daily subject to revocation of licence and criminal penalty and limiting the number of traps an individual may have out. La. No. 112 shows co-operation of State and nation. The Act regulates game farms and requires a breeder's licence but grants such a licence only to a breeder of migratory birds who holds a licence from the federal government. N.J. 187 shows a good trend. It punishes by

fine the destroying of any tree, shrub or flower without the consent of the owner, provided the action is brought within three months from the time of the offence. N.J. 251 is an Act for the preservation of "crustaceans, commonly known as crabs." Ky. 9 creates forest reserves which are composed of tracts of not less than 1,000 acres which the owner declares his purpose to devote to reforestation and applies to the commissioner of agriculture to list as forest reserve.

Prisons and Punishment for Crime.—A notable trend is shown in the modifications of the Parole Law. La. No. 331 creates a Board of Parole of three members appointed by the Governor with *per diem* compensation and mileage "to determine when and under what circumstances a prisoner sentenced to an indeterminate sentence shall be paroled." The board appoints a parole officer and adopts a system of marks for prisoners. The parole officer keeps a record of paroled prisoners, has general supervision of them, may order the arrest of a paroled prisoner, but the Board of Parole may give a hearing to any prisoner so arrested and return him to the penitentiary. The Act also regulates method of applying for parole and embodies a valuable suggestion in requiring an investigation of the life of a prisoner prior to sentence or before parole. N.Y. 739 modifies the application of the parole law by allowing parole only after the minimum sentence has been served, but permitting the reduction of sentence by commutation for good conduct. The Act forbids reduction of the terms of convicts by compensation. N.Y. 736 amends the parole law by requiring the board to examine the previous life and record of a convict applying for parole and adds a new section to the parole law which makes commutation of sentence discretionary with the board and forbids the release of any person from the State prison till after a year, or reduction by commutation in case of a person confined in the penitentiary, until after three months. Life terms cannot be diminished by commutation or compensation. In case of an escape or attempt to escape the prisoner forfeits such amount of commutation and compensation as provided in the rules of superintendent of prisons, instead of the express amounts formerly provided in the Act.

Miss. 147 deals with paroles and makes a person who fails to surrender at the specified time an escaped convict. Furthermore, in case of suspended sentence or pardon on condition, which the offender has violated, the Governor or judge granting the suspension is authorized to annul the pardon or sentence and the prisoner shall then be treated as an escaped prisoner. La. No. 311 provides for commutation of sentence for good behaviour of convicts in the penitentiary and parish prisons of the State. The general manager of the State penitentiary may establish a special class to which convicts not second termers are eligible for double commutation for particularly meritorious service or highly exemplary conduct. There is no commutation for second offenders, and escape forfeits commutation. Commutation is lost by another conviction prior to the expiration of the full term. Life terms may be commuted by the Governor on approval of the general manager and Board of Pardons, but the term shall not be reduced to less than ten years and six months. Ky. 154 makes it unlawful for judges to suspend judgment or stay execution in a misdemeanour case after the judgment is final, except in certain specified cases, and in such cases the order acts as a parole during good behaviour and may be revoked within twelve months. It is made the duty of each circuit judge to grant parole to a prisoner who has

been confined in jail for twelve months for a misdemeanour. Any parole may be revoked within twelve months.

Identification of criminals concerns the legislatures of States as widely separated as New York and Mississippi. New York 702 sets up a Central Bureau of Criminal Identification under the Superintendent of State Prisons requiring records to be sent from all prison and peace officers. Peace officers must send in descriptions of persons arrested for serious crimes, including finger and thumb prints. After acquittal, photographs and fingerprints must be returned to the person arrested. Miss. 165 authorizes photographing of prisoners and also photographs of their fingerprints.

Employment of prisoners on the highway is encouraged. La. No. 290 authorizes the Highway Commission to contract with the general manager of the penitentiary to do work at the minimum price offered by a contractor bidding on the work offered. Kentucky 150 authorizes the assignment of persons in the state's prison to work on the highways under the direction of the Highway Commission, but under the supervision of the Board of Charities and Corrections who shall make rules under which each prisoner shall receive not less than twenty-five or more than 50 per cent. of his earnings daily as determined by the Board on taking into account the record, conduct and discipline of the prisoner and the number and requirements of his dependents. The Board may forfeit earnings if the prisoner breaks rules. The Board must classify prisoners according to conduct and physical condition ; class A shall work on the roads, class B on farm or other outside labour, but not more than 10 per cent. of the prison population in each prison shall be eligible to employment under the Act.

Another form of prison labour is the object of Ky. 151 which authorizes the Board of Charities and Corrections to lease or purchase farms for the employment of convict labour. Farm prisons are also the subject of laws in Virginia and Louisiana. Va. 214 establishes a prison farm for " defective misdemeanants " under the control of the prison board which decides the types of defective misdemeanants and the number to be transferred to the farm. Persons subsequently convicted of misdemeanours and mentally deficient shall be committed to the farm, where misdemeanants in hospitals for the insane and feeble-minded colonies are to go if their mental condition is sufficiently good. La. No. 203 allows police juries of two or more parishes to create prison districts to maintain prison farms, and requires the judges of State courts to sentence to the districts persons convicted within such districts, of misdemeanours, and authorizes them to sentence all persons convicted of any offence not necessarily punishable by hard labour.

An interesting recognition of equal rights in N.J. 93, requires that female guards or keepers in penal institutions or in charge of female prisoners in counties of the first class shall receive compensation equal to that of male guards.

Prison goods are dealt with by 83 of the same State which requires the marking of goods made by convict labour in New Jersey or any other State and makes it a misdemeanour to violate the Act. La. No. 222 is an indeterminate sentence law in respect to certain specified criminals which requires that the minimum of the sentence shall not be less than the minimum term of imprisonment fixed by the statute under which the person is convicted, or more than two-thirds of the maximum,

and providing that the maximum shall not be more than the statutory maximum. The importance of having information for the authority which decides on the application of the law is recognized. The Act requires the district judge to attach to the judgment a short statement of the crime committed and of the character of the person sentenced where the minimum sentence is a year or more. La. No. 241 allows coroners to be " either or both " parish physicians or parish health officers except where the health officer is full time. If the coroner is parish physician his salary shall be in lieu of fees as coroner. Mass. 494 repeals the Act which provided that life sentences should under certain circumstances be deemed indeterminate. Wash. 100 allows unclaimed personal property in possession of police authorities to be sold if unclaimed for a certain specified time and appropriates the money for the police pension fund.

Crimes.—Mass. 261 prohibits the sale or use of silencers for firearms. La. No. 183 authorizes the judge who convicts a person of crime to order forfeiture and destruction of weapons found in his possession. N.Y. 705 increases the penalty for committing a felony when armed with a pistol and certain other weapons, by adding to the punishment imprisonment from five to ten years for first, and increasing amounts up to the fourth offence when the minimum term is made twenty-five years. Probation or suspension of execution of sentence does not apply to these increased terms of punishment. Miss. 176 defines the crime of burglary with explosives and punishes it with imprisonment of from twenty-five to forty years. La. No. 6 punishes the same crime by five to twenty years. By N.Y. 436 the penalty for burglary and robbery is increased in the first degree to a minimum of fifteen years, for the second degree a maximum of fifteen, third degree a maximum of ten. Louisiana No. 71 amends the burglary Act to make it burglary to enter a dwelling, tent or other place used as a dwelling. Ky. 61 makes blackmail a felony punishable by imprisonment for one to ten years, and threat of blackmail in writing, a misdemeanour, punishable by fine of $100 to $500 and confinement in the county jail from thirty to 120 days in the discretion of the jury. It is immaterial if the threat made is of things done or committed by the offender or by any other person, and the Act describes the crime. N.J. 172 provides for imprisonment at hard labour for thirty years for committing of the crime against nature with a child under sixteen. Probably the automobile is responsible for the amendment in La. No. 139 which extends the misdemeanour of malicious mischief to injury done to articles located on a street or highway or anywhere else. N.J. 278 makes it a misdemeanour to display a red signal within a certain distance of a grade crossing of railroads or public service corporations, except where used as a danger signal. The Act does not apply to railroad, public service or municipal corporations.

La. No. 116 makes it a misdemeanour to divert electric current or tamper with meters with imprisonment ten to thirty days in the parish prisons, and a person having custody of the place where a device which diverts electric current or interferes with just registration of a meter is found, is *prima facie* guilty of intent to defraud. No. 117 also punishes in the same way the diversion of gas and tampering with gas meters and 118 penalizes injuries to electric meters, but the punishment may be a fine of $10 to $100 or imprisonment ten to ninety days or both. No. 119 provides the same punishment for injuring or defacing gas meters.

La. No. 138 makes it a misdemeanour for chauffeurs of taxi cabs to

fail to pull the flags properly to show the true fare. No. 144 makes it a misdemeanour for any chauffeur or employee of a taxi cab without the written consent of the owner, to tamper with or alter any meter. La. No. 76 makes it a misdemeanour for any contractor to default on his contract and apply money received on account thereof for any other purpose than settlement of claims for material and labour. La. No. 323 makes it a misdemeanour for any person or organization to use the name or emblem of any existing benevolent or other organization not for profit or a name or emblem in imitation thereof; allows an injunction to restrain breach of the Act and also punishes any person who wears an emblem or claims to be a member of such an organization without being entitled to do so. N.Y. 706 makes it a misdemeanour to communicate information secured in the course of employment. La. No. 77 makes it an offence for any person when arrested by a police officer to refuse to accompany him to jail. Mass. 225 authorizes any officer or employee of the Department of Public Safety to deliver stolen or lost property or property taken from a person under arrest to the person designated by the commission to receive it and allows its sale by the commissioner within six months, if unclaimed, the money to be paid to the commonwealth. The owner may receive the money within two years and six months. R.I. 828 punishes criminally any person who in the possession of personal property other than wearing apparel received on conditional sale or written lease, sells or conceals the property with intent to defraud, before performance of condition precedent to acquiring title thereto. Va. 382 amends the Act in respect to fraudulent conversion by including expressly motor vehicles and any other property on which a person has given a lien, and adding to the acts which constitute fraudulent conversion removal of property fraudulently from the State. Suits may be brought against persons fraudulently removing property from the State, in the county or city in which the property was purchased or the accused last had legal residence.

Crime cannot always be made personal, thinks the Washington legislation. If it cloaks itself under a corporation it must be punished nevertheless. Wash. 101 provides that a corporation guilty of violation of the law where the penalty cannot be applied to the corporation, shall be punished by a fine of not more than $10,000 if the offence is a felony, of not more than $1,000 if a gross misdemeanour or not more than $500 if a misdemeanour.

Miscellaneous Police Legislation.—Most notable in this class of legislation is the evidence of the interest in old age pensions shown by Ky. 187 which permits the counties to establish a system of old age pensions not to exceed $250 a year and beginning at the age of seventy with the usual provisions limiting the pensions to citizens, residents and persons having earnings or income of less than $400 a year or property worth less than $2,500 or more. Other welfare laws are R.I. laws licensing and regulating day nurseries 835, and agencies placing children 836. The latter prohibits parents from assigning permanent care of a child except to a relative, without the authority of the court, unless the assignment is to an orphanage. The Act provides for investigation of homes in which children are placed by the state authorities and forbids bringing a child into the state for the purpose of adopting or placing him without the consent of the Public Welfare Commission and filing a bond to guarantee removal of the child if he becomes a public charge or a menace to the

community prior to legal age. The same State in 834 consecrates an idea which is finding widespread legislative approval. It provides for the regulation and supervision of maternity hospitals under licences which may be revoked. The Act requires that every birth in such hospital shall be attended by a physician or midwife and requires reports as to birth of children and children not born in wedlock.

A pistol law was passed in Va. 158 which established an annual licence tax on each pistol or revolver, requiring licence cards for owners, the keeping of records by retailers and, as a new idea, a report by all persons having a pistol or revolver in their possession for the purpose of repairing it. The selling of ammunition for the pistol or revolver is also made illegal, unless the person has a licence card. The funds arising from licences are kept in a special fund for caring for diseased and crippled children, another case of the violation of the principle of the budget by creating a special fund from the proceeds of a specified tax. Mass. 395 extends the pistol Act by prohibiting the delivery of a pistol on the day of application for purchase, rental or lease, except to a person with a licence, and prohibiting the sale, rent or lease of a pistol to any person without a permit in force. The permit shall be then taken up by the person making the sale, rental or lease who shall transmit it to the Department of Public Safety. The loaning of money secured by mortgage, deposit or pledge of a pistol or revolver is punishable by imprisonment for not more than one year or fine of $500 or both. N.Y. 105 forbids the use of a high-powered rifle on Long Island and makes it presumptive evidence of violation of the section to be found carrying a high-powered rifle in any woodland.

Oysters are still under legislative scrutiny, to protect both consumers and producers. In Massachusetts the law formerly required examination of tidal waters and flats in case of complaint relative to condemnation in order to determine whether shellfish therein were unfit for food. 370 requires the Department of Public Health, of its own motion, to examine from time to time such waters and flats and establish contaminated areas, and provides a penalty for taking or transporting shellfish taken from contaminated areas. The department may also issue certificates to the effect that shellfish in the proper case have been taken from uncontaminated areas in order to protect the Massachusetts oyster district. Va. 387 forbids buying or loading oysters in bulk taken from the public oyster banks until a permit has been obtained for each cargo from the inspector and a tax of a cent a bushel been paid. The inspector must see that the bushels are full legal bushels. The revenue derived from the Act is to be used for bacteriological work required by the Public Health Bureau to safeguard the seafood of the State, to be expended under the direction of the Governor. Other products are protected. La. No. 314 requires sweet potatoes and sweet potato vines to be inspected to protect the tuber against pest, and 317 provides for the inspection and grading of fruits and vegetables by the Commissioner of Agriculture and the giving of a certificate of inspection at the request of the owner. La. 341 makes it a misdemeanour to sell meat except from animals slaughtered by licensed butchers or in licensed slaughter houses. Ky. 8 provides for quarantine against importation into Kentucky and against transportation in the State of any infested plants from any State or from any county within the State. The quarantine is established by an entomologist of the Agricultural Experiment Station on the advice of the State Commissioner of Agri-

culture and the Directors of the Experiment Station. The entomologist also inspects nurseries and notifies owners of nurseries of the presence of dangerous pests. It is made a misdemeanour to ship stock before treatment which will destroy the pest. Protection of an industry by co-operation in a well-known fashion is N.J. 179, an effort to stop the spread of contagious abortion in livestock with the co-operation of owners. It authorizes owners to request an investigation which will be paid for by the Department of Agriculture, quarantining of suspicious or diseased livestock and forbidding the sale or purchase of such stock except under an order issued by the chief of the Bureau of Animal Industry. Breach of the Act is criminal and for a second and subsequent offence involves imprisonment as well as fine.

Ky. 107 regulates aviation and authorizes municipalities to acquire airports and flying fields and establishes as a body corporate to supervise aviation an air board composed of the Governor, Adjutant-General and three members appointed by the Governor to serve without compensation and to hold office during the pleasure of the Governor. Mich. 9 provides that airplanes must be 1,500 feet above the ground when flying over open air assemblies of people, except when giving exhibitions. Louisiana applies to the airplane passenger business by No. 52 the requirement familiar to owners of automobiles that each airplane must have an indemnity bond to take care of all damage done by it. An airplane carrying passengers for a price is deemed in the business. Not only is there a penalty on the owner of the plane, but a severe penalty is provided for the pilot of such plane unless the owner has complied with the provisions of the Act.

Enthusiasts for the manly art will applaud La. No. 229 which forbids "sham contests" in its Act creating a boxing commission to regulate boxing. R.I. 772 also sets up an athletic commission for regulations of contests and bows to local sentiment in forbidding permits unless with consent of the local authorities.

Probably to trace stolen goods La. No. 309 regulates second-hand dealers except retailers in jewellery, automobiles, furniture and antiques, who are licensed, keep books and make daily reports; and provides for criminal penalty. Va. 581 and Miss. 174 regulate jewellery and silverware auctions in a fashion in vogue, especially requiring filing of an inventory. Louisiana provides a way for jewellers to secure payment in No. 251 which permits jewellers and watchmakers to sell goods appraised at less than $10 and unclaimed for a year or more, and requires the money from such sales to be set aside in separate accounts by the jeweller and payment of the amount in excess of the jeweller's charge to the State treasury if unclaimed after a year.

Mass. 353 amends the Act invalidating contracts to buy or sell on margin with no actual transfer by making such contracts valid, even though calling for future deliveries if made on a stock exchange or Board of Trade established for ten years and recognized as valid by the law of the jurisdiction where made.

The medical profession will be interested in La. No. 327 which requires all physicians, surgeons and dentists to write the name of the patient on prescriptions and makes it unlawful for a druggist to fill a prescription, unless the name of the patient is written on it. Druggists are also required to write the name of the patient on the label of the package containing the drugs. Breach of the Act is a misdemeanour. Some

group is evidently anxious to protect rented storage batteries. S.C. 538 is one form and Miss. 166 another, of giving this protection. Va. 298 makes it a misdemeanour to remove or deface an identification mark on a radio set or musical instrument.

Building laws are not lacking. Ky. 124 provides for safety in the construction of buildings in cities of the first and second class and directs the appointment of a safety inspector in such cities. La. No. 300 is a fire escape Act with detailed regulations. An interesting provision makes compliance with the requirements of the building exits code approved by the American Engineering Standards Committee sufficient to meet the requirements of the Act. Ky. 59 punishes the building of a spite fence as a misdemeanour and authorizes the court of equity to enjoin the fence which is defined as a fence over five feet high intended to annoy an adjoining owner. The Act does not interfere with the erection of billboards.

Notable among miscellaneous laws is Ky. 63 which amends the Sabbath Day Observance Act by excepting from the Act amateur sports and athletic games. The bill was vetoed by the Governor, but enacted over his veto. A tribute to sport is Va. 388 which makes it unlawful to shoot, trap or poison foxes in certain counties at any time. Ky. 60 includes in the Act punishing criminally the burning of certain property on which there is insurance or a lien, stocks of goods or any article of personal property or automobiles or airplanes. Va. 569 requires the separation of white and coloured persons in places of public entertainment and punishes failure to comply as a misdemeanour. The owners and managers of the places are protected by making it a misdemeanour for any person to refuse to occupy the seat assigned to him in pursuance of the provisions of the Act by the person in charge and permits the ejection of such person from the place without refunding his admission. La. No. 213 authorizes municipalities to place police women in dance halls to supervise the dancing and costumes at dances. The operator of the dance must pay the compensation of police women and it is a misdemeanour for him to operate without them.

Miss. 182 amends extensively the anti-trust law. The interesting addition makes the Act apply only to trusts when inimical to the public welfare, a limitation that formerly only applied to the sub-section forbidding them to form pools. The same idea is carried over in the section forbidding corporations or persons to restrain trade or create monopolies, who are now forbidden to do these things with intent to accomplish prohibited results or without such intent, to accomplish such results to a degree inimical to public welfare. The provision which has been adopted in many States forbidding buying or selling of a commodity at different prices in one place in the State than another is adopted. There is omitted from the new Act a provision of the old Act allowing as *prima facie* evidence of damages proof of a plaintiff that he has had to pay more or accept less for goods or service by reason of the trust.

Va. 171 amends its anti-trust law in an interesting way. Formerly it applied to all trusts unreasonable or inimical to the public welfare, but for the future the trusts must also be prohibited and penalized under a federal law, or " would be prohibited and penalized under the provisions of any law of the United States if their activities extended to interstate as well as intrastate commerce."

Prohibition and Narcotics.—There are interesting minor additions to

the large statutory literature on Prohibition. Pa. 3 amends in many details and notably extends the scope of the Act to prohibit the manufacture, storage, dealing in or transport of alcohol or alcoholic liquid without a State permit and requiring registration of all federal permits. To administer the Act a permit board consisting of the Secretary of Welfare, Secretary of Health and Attorney-General is created to grant permits. To secure enforcement of the Act a label must be affixed to all packages of alcohol or alcoholic liquid, containing the permit number and name of manufacturer and kind and quantity of alcohol or alcoholic liquid. The Act contains other severe provisions regulating the traffic, including a provision for abatement as of a nuisance of any place in which alcohol or alcoholic liquid is manufactured, stored or sold. An interesting provision declares that no property rights exist in alcohol or alcoholic liquid manufactured, held, sold or transported in violation of the provisions of the Act, and directs it to be destroyed at once. The Act only applies to sale at wholesale and defines alcoholic liquid as a liquid capable of being used for beverage purposes and containing alcohol. Va. 231 makes a number of amendments in the prohibition Act. One is a further effort to make the punishment fit the crime by limiting the penalty where the amount transported did not exceed a quart and there was no intention to sell it and a satisfactory explanation is given by the defendant as to where he obtained the spirits. Miss. 201 makes it unlawful to sell, give away or keep for any purpose except medical or household purposes any drug or preparation which "when drunk to excess in the form sold will produce intoxication," requires a permit from the local authorities for dealers in such articles and requires dealers to keep records of transactions. Va. 398 requires all officers appointed by the Attorney-General for the enforcement of the liquor law to give bond for the "faithful and lawful" performance of their duties. 328 of Va. amends the prohibition law to add a new section to allow the court to issue licences to partnerships or individuals in the retail drug business, providing that the capital is not less than $2,000; that the registered pharmacist in charge be of good character, not intemperate or an addict, that he will observe the laws controlling the sale of ardent spirits or alcohol and that he will personally supervise the filling of all prescriptions containing ardent spirits. Va. 92 permits the establishment of industrial alcohol plants with the approval of the city council in cities of over 100,000 and authorizes the Attorney-General to issue permits on the filing of bond to keep the laws of the State and the United States. The Attorney-General enforces the Act and has a right of inspection at any time. Violation of the Act is a felony. Mich. 3 amends the Prohibition Act in details. Notable is the provision that no property right shall exist in any conveyance unlawfully containing or used in the transportation of intoxicating liquors. The former Act provided for the delivery of liquor or any vehicle carrying it which was abandoned or owned by non-residents, to the commissioner of public safety; the amendment requires the prosecutor of the county where any liquor or vehicle containing it was seized to pray immediately for its confiscation, and authorizing the court to confiscate the property and order its delivery to the commission. Another amendment directs the return of any such articles to the person arrested as a violator of the Act and acquitted. The Act also provides for the sale of such property under order of court if it is not returned to an owner who is acquitted.

Co-operation with the federal government appeals to the Washington

lawmakers. 126 requires permits for liquor for sacramental purposes to be secured from a county district attorney and forbids his issuing such permit till a permit has been obtained from the Federal Prohibition Director of the District. The conditions on which the permit is issued are set forth in the Act. The New York legislature wants advice. In 850 it provides for a referendum on the question as to whether the Congress should modify the Volstead Act so as not to apply in any State to beverages not in fact intoxicating as determined in accordance with the laws of that State.

R.I. 793 amends the narcotic law by creating an unpaid Narcotic Drug Board, appointed by Governor and Senate for overlapping terms to enforce the narcotic laws. The Act also authorizes the apprehension and commitment for treatment of persons addicted to the use of drugs and allows drug addicts to be committed on their own application. Drug addicts who have committed criminal offences or are delinquents are also committed. The Act provides for search warrants on the complaint of any legal voter in the State and the forfeiture of drugs seized. Instruments for subcutaneous injection of drugs are not to be distributed to drug addicts for self-medication. Penalties for breach of the narcotic law are materially increased. By 777 driving a motor vehicle when under the influence of drugs is punished, as in Va. 231. N.Y. 434 forbids the employment of children under sixteen in narcotic drug traffic and makes breach of the law a felony punishable by imprisonment from two-and-a-half to five years. N.Y. 650 makes it an offence to use or possess "unlawfully" opium, coca leaves or derivatives or preparations of them and authorizes the commitment of offenders to a hospital, or to a penal institution for not over a year.

Labour.—A much disputed question is the subject of N.J. 207 which forbids injunctions in labour disputes to restrain persons from quitting work, singly or in groups or peacefully persuading others to do so, but the persons persuading others to quit work must remain separated one from the other at intervals of ten paces or more. Va. 538 amends the women's hours of work Act by excluding from the Act women whose full time is employed as office assistants or in factories engaged in packing fruits or vegetables or in mercantile establishments in towns of less than 2,000 inhabitants and country districts, and requiring employers to keep posted in workrooms copies of the law.

La. No. 85 amends the Compensation Law which is termed Employers' Liability Law, in many particulars. A notable change presumes every person rendering service for another an employee, but defines as independent contractor a person who renders service other than manual labour "for a specific recompense for a specific result" under the control of the principal as to results and not as to means. Another change gives the principal contractor the right to indemnity from a sub-contractor.

Domestic Relations.—Equality between the sexes preoccupies the legislatures. R.I. 853 makes father and mother joint natural guardians of minor children and allows them to be sued either jointly or separately for the support of such children. They have equal rights in every way including rights to services and earnings, so that a payment of earnings to either parent is valid. N.J. 201 provides that the father and mother of a minor child are equally entitled to its services and may jointly bring action for loss of wages or services caused by tort. If one parent is dead, has abandoned the child or been deprived of its custody by a court decree,

the other is entitled to services and to bring an action. La. No. 132 makes a married woman, whether a resident of the State or not, competent to contract debts and dispose of her separate and paraphernal property for the benefit of herself, or husband or any other person and to sue and be sued and to bind herself as surety for her husband or another person. No authorization of husband or judge is necessary for such acts. The Act does not apply to married women under eighteen or married women who are interdicts. N.J. 186 allows a married woman of twenty-one to execute and deliver an interest in real estate apart from her husband if the husband conveys his interest by a separate deed. There are a few laws concerning children. R.I. 855 legitimates a child by subsequent marriage of the parents, if acknowledged as their child. R.I. 840 makes guilty of a misdemeanour a child between sixteen and eighteen who is habitually idle or frequents certain improper places. La. No. 243 gives to the adoptive parent a right to be appointed tutor to his adopted child in preference to all other persons. R.I. 867 making slight changes in the mother's pension law, solves in an interesting way the question of a mother receiving aid moving from one town to another. She is entitled to aid at once from the town to which she moves and that town may recover one-half of the sum paid her for a year from the town from which she moves.

By Ky. 29 one spouse may testify for or against another in divorce actions, to prove concealment of a loathsome disease, in prosecutions for bigamy or child desertion. Va. 523 allows the husband of an insane wife to encumber her real estate with the consent of the court under the same conditions under which he could formerly sell it. La. No. 57 deals with the complicated question of the community property between husband and wife. The Act permits the service of process and certain proceedings to enforce the payment of notes secured by mortgage on community property when one spouse is dead, without making heirs of the deceased spouse parties and permits action to be taken against the surviving spouse alone. R.I. 843 declares illegitimate children shall be legitimatized by subsequent marriage of their parents and that the issue of marriage declared null in law shall nevertheless be legitimate and also makes a number of changes in the law, providing for declaration of paternity and the duties of the father of illegitimate children.

Marriage and Divorce.—Va. 517 amending the code provides that it shall be no defence in a suit for divorce for wilful desertion or abandonment that the guilty party has since the commencement of the desertion and within three years been adjudged insane, but at the expiration of three years from the commencement of the desertion the ground for divorce is complete. Va. 508 amends the Act allowing the merger of a decree of divorce from bed and board into a decree of divorce from the bonds of matrimony, by permitting such merger five years after the entering of the first decree on application of either party after a hearing, if the court thinks that the evidence shows that no reconciliation has taken place, or is probable, and the court may make proper provision for the support of the wife and children. Va. 107 amends the divorce law by providing on the entry of decree of divorce " all contingent rights of either consort in the real or personal property of the other shall be extinguished." Miss. 169 requires the registration with the State registrar of vital statistics of all marriages and divorces in the State and makes the records *prima facie* evidence of facts. The State Board of Health is also directed to endeavour

to secure a record of marriages and divorces from the earliest records down to the present time. N.Y. 635 also provides for centralization in the state of marriage records. N.Y. 590 prohibits marriage of a boy under sixteen or a girl under fourteen.

Commercial Regulations.—Statutes to secure to the buyer the quality and quantity of goods he expects to get are a feature of American legislation. An old friend is the clean seeds Act, requiring that agricultural seeds be cleaned and the containers labelled, which was passed in La. No. 308, R.I. 837 and amended in Va. 127, which excepts from the law seed held for food, sold by one farmer to another who has an opportunity to inspect, so applying the principle of caveat emptor in an appropriate case, or held in storage to be cleaned. Va. 145 forbids selling liquids, except for immediate consumption on the premises, in any other manner than by weight or liquid measure, or commodities except by measure, weight, or numerical count, unless agreed in writing by buyer and seller. The Act does not apply to the standard barrels or boxes or food-stuffs in original packages which must, however, be so marked. The Act fixes the weight of a barrel of flour and requires the net quality of contents of a package to be marked on the outside. Ice must be sold by weight at time of delivery. Va. 167 is the Virginia variation of the dangerous caustic or corrosive substance Act which is being generally passed in the States, requiring branding of the containers of such substances.

Va. 580 adds to the pure food Act new sections requiring that eggs showing deterioration shall not be sold as fresh eggs, but shall be marked and sold as storage eggs, and requiring that no pork products shall be sold as Smithfield hams or pork products unless they are from the carcases of peanut-fed hogs and further protecting the reputation of the peanut-fed hog by forbidding the sale of any hog living or dead as peanut fed unless fed in the peanut belt of Virginia and North Carolina. The bodies of hogs must bear a mark of identification showing where and when slaughtered.

Wash. 102 amends the law in respect to co-operative marketing associations by permitting a member of an association who ceases to be actively engaged in production, for the association of the products to market which the association is organized, to be classified as an associate member and to have all the privileges of an active member except voting. The association may purchase the stock or membership of an associate member with any funds of the association.

Health.—A noteworthy health law is La. No. 228 which lays a tax on kerosene used in the state of one cent a gallon to pay for local health officers, aid to tuberculosis sanatoria and to support free clinics for diagnosis of tuberculosis, and for indemnities for tubercular cattle killed. A tax refund to exporters is an effort to square the Act with interstate commerce. The same legislature, however, moved to prevent abuse of free treatment by No. 62 which requires hospitals supported by the State, to refuse admission for treatment to persons not destitute.

Humane.—La. No. 80 regulating trapping follows a commendable tendency in requiring trappers to visit their traps once a day and remove therefrom all animals caught, subject to revocation of licence and a penalty. The number of traps one trapper can run is also limited to 250. Va. 497 also requires trappers to visit their traps daily and free any domestic fowl or animal caught. N.J. 198 is a prevention of cruelty to animals Act fixing a penalty for specified acts to be recovered in an

action for debt in a suit in the name of the New Jersey Society for the Prevention of Cruelty to Animals.

Property.—Zoning is represented in a complete Act in Va. with provision for a city plan 197, and La. No. 240 converts the statute giving authority to cities of 50,000 to regulate buildings and limit areas for trades into a zoning law with a commission and Board of Adjustment. R.I. 804 and La. No. 305 authorize cities and towns to create planning boards and Louisiana requires allotments to be submitted to the board and furthermore, by No. 339, authorizes the same cities to establish building lines in streets. The ordinance creates an easement in favour of the city and the owners of the land are entitled to damages measured by the difference between the value of the land without and subject to the easement. Within twenty-five years the municipality must widen the street on the lines established and the owners may meantime maintain buildings already on it. A second action for damages for actual taking is permitted when the street is widened. La. No. 28 authorizes cities of 100,000 or more to provide local improvements such as street lighting or tree planting the cost of which is to be paid by the abutting property owners. An interesting procedural provision requires that actions to enjoin or prevent a local improvement and actions based on informality in procedure must be instituted in the proper court prior to the signing of the contract for the work, and after the signing of the contract such actions are prescribed but these limitations do not apply to acts instituted by the municipalities. A new system of protecting the landlord against flighty tenants is contained in La. No. 38 which makes it unlawful for any person to go on the premises or plantation of a citizen of the state in the night time and move or assist in moving any labourer or tenant or his effects therefrom without the consent of the owner. Violation is subject to a fine of $50 to $1,000 or imprisonment for ten days to six months. Ky. 103 gives the right of condemnation to memorial, historical and professional associations to obtain real or personal property for memorial purposes.

The operations of banks are being extensively subjected to statute law. Miss. 246 contains the standard Act authorizing the forwarding of negotiable paper for collection directly to the payor bank and making the forwarding bank free of liability for failure of the payor bank to pay if it has used due diligence. La. No. 86 exempts state and national banks from liability as forwarders of non-negotiable paper resulting from fault or negligence of any fiduciary through whose hands the paper passes in transit. La. No. 63 provides that when a bank receives as agent for collection and remittance and not for deposit, any cheque or other instrument and collects it and does not deposit to the credit of the principal, the principal has a privilege on all the property and assets of the bank for the amount collected, superior to the claims of depositors and creditors having no privilege and general privileges. A similar privilege is given to banks that send to the drawee bank cheques for collection drawn by a depositor, if the drawee bank has debited the account of the depositor and has drawn a cheque or draft on any bank for the amount. The word "bank" includes "national bank." Kentucky makes an important change in the Act punishing making of cheques without funds. The former law punished the making of such a cheque with intent to defraud. 62 strikes out these words and punishes the making of a cheque if the person making it obtains money, goods or credit. Another modification

prevents an indictment or prosecution within twenty days after the date of the cheque, to prevent action during the twenty days which the maker has to pay. By 282 Va. comes into line with the states who make it a misdemeanour to make cheques on a bank in which the maker has not sufficient money to meet the cheque. Punishment is adjusted to the offence. If the amount of the cheque is under $50 punishment may be a fine of $100 or imprisonment not over thirty days or both. If it is over $100 the fine is not more than $100 or imprisonment not exceeding one year or both. The making of the cheque is *prima facie* evidence of intent to defraud and knowledge of insufficient funds, unless the maker pays the drawee the amount due within five days after notice of insufficient funds.

Wash. 54 provides that if any person be authorized as an agent to draw cheques against the account of his principal in any bank or trust company, it shall not be chargeable with notice that any cheque so drawn is not within the authority of the agent from the fact that it is payable to or endorsed to the agent.

Decedents' Estates.—The progress of equal rights for women in this subject has been noteworthy. It is continued this year by N.J. 119 which finishes the work already begun of putting woman on the same basis as a man in respect to administration of an estate or guardianship. A married woman had already been allowed to have such positions and 119 adds "as if unmarried" and strikes out a clause expressing allowing her husband to be accepted as surety on her bond. In case of marriage of a woman after appointment the orphans' court was allowed in its discretion to make an order that her power cease or be suspended or to revoke letters, unless she gives a bond. 119 strikes out this provision and provides that her authority is not extinguished or affected by marriage after appointment. N.J. 41 makes an interesting change in the law of descent. It gives real property held in fee by any married person to the surviving spouse if the owner dies without lawful issue. Va. 329 amends the Act in respect to the distribution of the personal estate of married persons dying intestate. Formerly the survivor was entitled to one-third if the intestate left surviving "issue." The amendment strikes out "issue" and substitutes "children or their descendents" and puts children by legal adoption on the same basis as issue. Another change provides that where the intestate was a married woman and left only illegitimate children and their descendents, her surviving husband is only entitled to one-third where formerly he got all. Va. 190 adds to the list of articles that vest absolutely in the widow, minor children and unmarried daughters of a householder, property that would be exempt from levy, but only if the deceased were actually engaged in farming at the time of his death.

Procedure in respect to wills needs adjustment, so legislators think. Va. 322 amends the Act in respect to deposition of witnesses on probate of will to allow depositions of witnesses to prove handwriting if the will is wholly in the handwriting of the testator. Ky. 27 allows a court to vacate probate of a will if a later will is discovered and proceedings instituted within twenty-five years after the death of the testator. All persons interested in the earlier will must be made defendants and the proceedings must be brought in the county court or if the will was established by judgment of the circuit court an appeal from a judgment of the county court proceedings must be instituted in the circuit court. The admission

to probate of the new will shall not prejudice the rights of innocent third parties.

N.J. 24 provides that when any person has been absent seven years and declared dead by the court, real estate which would have been subject to an estate by courtesy or dower of such person may be conveyed or encumbered free of courtesy or dower. N.J. 37 amends the law providing for the declaration of an absent person as dead, by permitting the husband or wife to make an application. Formerly only the next of kin could do so. Mass. 3 amends the Act providing for the settlement of estates of absentees by providing that the State treasurer be made a party to every petition for settlement of such estate. S.C. 583 extends to cases of persons dying intestate, if the heir or beneficiary is absent, the same rule applying to cases of persons dying testate. Wash. 80 allows the court to make an allowance out of the property of an absentee for the support of husband, wife, child or children dependent on the absentee. 104 provides that after the issuance of letters of guardianship in the estate of any minor, insane or incompetent persons, any person interested in the estate or any member including relatives or representatives of any Bureau of the Government, through which compensation or pension is paid, may receive written notice of proceedings in the estate on request.

Soldiers and Sailors.—It is surprising that in Virginia the criminal law must be invoked to protect the job or the business of National Guardsmen. 442 makes it a misdemeanour wilfully to deprive a member of the National Guard of his employment or annoy such person or his employer in his trade or business because of membership in the guard or to dissuade any person from enlistment by threat to injure him in his employment. Another section allows the citizens of the state to hold commissions in the National Guard or Officers Reserve Corps without loss of any civil commission, and another makes the National Defence Act relating to the enforcement of military fines and punishments, not inconsistent with the Constitution, part of the military laws of the State. The Act also regulates court martial.

N.J. 287 removes the protection against removal without a hearing hitherto given employees of boards of education who were honourably discharged members or officers of the military forces of the United States, after having served in a war. On the other hand, it protects persons holding positions under the state or any municipality who served in the New Jersey State Militia during the period of the world war, as well as persons in the United States services in any war.

Statutes.—An important legislative reform is R.I. 790 which creates a State law revision commissioner appointed by the Governor and Senate to consolidate the laws, keep watch on decisions of the Supreme Court and be able to inform the General Assembly on the effect of changes in the law, and pending legislation. The commissioner is also required to draft legislation on the request of the presiding officer of the Senate, the Speaker or the Chairman of the standing commission. He is not to give his opinion as to policy or wisdom of legislation. Mass. 25 authorizes the Governor to appoint, with the advice and consent of the council, an unpaid commission to study the laws with a view to recommending the repeal of obsolete and superfluous statutes. An interesting advance of the principle of codification is contained in La. No. 16 which grants cities having a population of more than 10,000 and all municipalities where a city court is established, the power to adopt a code or

codes covering the laws they are empowered to enact and to take effect after the title has been published for thirty days in a newspaper printed in the municipality.

Aliens.—N.Y. 708 authorizes the exemption from taxation for local purposes of real property belonging to a foreign government recognized by the United States during the war, or belonging to a corporation the whole capital stock of which is owned on behalf of such Government and used in connexion with materials purchased during the war. The property must have been owned and used after April 6, 1917. Mass. 242 amends the law relative to licensing of undertakers by providing that they must be citizens of the United States. Mass. 352 allows sporting and trapping licences to be granted to citizens or unnaturalized foreign-born persons resident in the commonwealth for at least ten consecutive days and owning real estate taxed in the commonwealth. Va. 285 creates a commission on selective immigration of three unpaid members to be appointed by the Governor to study the operation of the existing immigration laws, especially their effect on agriculture and industry in the State, and to present their views to the National Congress in connexion with similar commissions from other States. Pa. 3 forbids the registering of federal permits or the granting of State permits for manufacturing or dealing in alcohol, to persons not citizens of the United States. Wash. 169 provides that persons in charge of penitentiaries and jails must investigate the nationality of persons committed thereto and if they appear to be aliens, notify the proper immigration officer.

Uniform Laws.—Wash. 142 is the Uniform Sales Act.

Volume of Legislation.—1926 was an off legislative year but the following table will show the industry of the lawmakers who were in session. Michigan, Pennsylvania and Georgia held special sessions and the record of Porto Rico is that of the "first special session of the legislature."

	Acts.	Pages.
Georgia	58	213
Kentucky	334	1,005
Louisiana	352	737
Massachusetts	398	504
Michigan	21	38
Mississippi	348	464
New Jersey	345	773
New York	851	1,577
Pennsylvania	6	24
Porto Rico	11	15
Rhode Island	181	522
South Carolina	466	845
Virginia	583	1,007
	3,954	7,724

Congress passed 523 public laws, 46 public resolutions and 327 private laws and resolutions making a grand total of 896. The private bills included five omnibus pension bills which enacted into law 2,717 private bills. It is interesting that of the laws 557 originated as House bills and 290 as Senate bills. In joint resolutions the Senate has a shade the better. 25 Senate joint resolutions were passed as against 24 in the lower House.

Washington had an extra session running from November 1925 to January 1926. The legislature found plenty to do. It enacted 198 laws covering 601 pages.

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Printed in Great Britain by
Hazell, Watson & Viney, Ld., London and Aylesbury.

BIBL. LONDIN. UNIV.

THE JOURNAL OF COMPARATIVE LEGISLATION AND INTERNATIONAL LAW

THIRD SERIES—Vol. X, Part I.

Six Shillings. February 1928

BIRL LONDON UNIV